the university of connecticut libraries

940.1334/v.1

BOOK 940.P384 1st ser v.1 c.1
PENNSYLVANIA UNIVERSITY # T
RANSLATIONS AND REPRINTS

3 9153 00212609 4

Digitized by the Internet Archive
in 2010 with funding from
Boston Library Consortium Member Libraries

http://www.archive.org/details/translationsrepr00univ

Vol. I. Series for 1894.

Translations and Reprints

FROM THE

Original Sources of European History

PUBLISHED BY
THE DEPARTMENT OF HISTORY
OF THE
UNIVERSITY OF PENNSYLVANIA.

Philadelphia, Pa., 1897.

ENGLISH AGENCY: P. S. KING & SON, 12-14 King Street, London, S. W.

940
P36A
v.4

I. The Early Reformation Period in England:
Edited by Edward P. Cheyney, A.M.

II. Urban and the Crusaders:
Edited by Dana Carleton Munro, A.M.

III. The Reaction after 1815 and European Policy of Metternich:
Edited by James Harvey Robinson, Ph.D.

IV. Letters of the Crusaders:
Edited by Dana Carleton Munro, A.M.

V. The French Revolution, 1789–1791:
Edited by James Harvey Robinson, Ph.D.

VI. English Constitutional Documents of the Middle Ages:
Edited by Edward P. Cheyney, A. M

Revised Editions.

TABLE OF CONTENTS.

References are made to the revised editions of all numbers. Roman numerals refer to the numbers; Arabic numerals to the pages.

Abolition of Feudal System: Decree of 1789 for, v. 2.
Address of the National Assembly, Feb. 11, 1790, v. 20.
"Ami du Peuple" by Marat: Extract from, v. 32.
Anne Boleyn: Letter from Henry VIII., i. 6.
Anne Boleyn: Letter to Wolsey, i. 7.
Anselme of Ribemont's letter to Manasses II., 1098, iv. 2.
Assize of Clarendon, vi. 22.
Austria, Russia and Prussia: Circular Note from Courts of, iii. 22.
Aymeric's letter to Louis VII., 1164, iv. 14.
Bibliography: Introductory for French Revolution, v. 35.
Bibliography: Select, for "Urban and the Crusaders," ii. 23.
Capture of Jerusalem, 1244: Letter relating to, iv. 29.
Carlsbad: Decrees based upon Resolutions of, iii. 16.
Cases in Royal Courts, vi. 30, 31.
Charter: French Constitutional, 1814, iii. 2.
Charter of Liberties of Henry I., vi. 3.
Charter of Liberties of Stephen, vi. 5.
Charter of Liberties of Henry II., vi. 5.
Charter of William the Conqueror to London, vi. 2.

Circular note from the Courts of Austria, Russia and Prussia, III. 22.
Civil Constitution of the Clergy, 1790, V. 25.
Clarendon: Assize of, VI. 22.
Clarendon: Constitutions of, VI. 26.
Clergy: Civil Constitution of 1790, V. 25.
Clermont: Council of. Privilege granted Crusaders, II. 12.
Clermont: Council of, Nov. 26, 1095. Speech of Urban II. at, II. 2, 5.
Confederation: German Act of, III. 11.
Confirmation of the Charters by Edward I., VI. 17.
Conrad III.: Letters of, to Wibald of Corvey, 1148, IV. 12.
Constitution: Civil, of Clergy, 1790, V. 25.
Constitutions of Clarendon, VI. 26.
Coronation Oaths of English Kings, VI. 2, 17, 19.
Criminal Cases in Royal Courts, VI. 30.
Daimbert, Godfrey and Raymond's letter to Pope, 1099, IV. 8.
Decree of National Assembly, Aug. 11, 1789, abolishing the Feudal System, V. 2.
Declaration of Pilnitz, V. 34.
Declaration of Rights of Man and of the Citizen, V. 6.
Edward I.: Confirmation of the Charters by, VI. 17.
Erasmus: Description of More in letter to Ulrich von Hutten, I. 8.
Eugene III.: Privileges granted Crusaders, 1145, II. 13.
Feudal System: Decree abolishing, 1789, V. 2.
Fifth Crusade: Letters relating to, IV. 22.
First Crusade: Letters relating to, IV. 2.
Frederic I.: Crusade of, Letters relating to, IV. 19.
Frederic I.: Letter of, to Leopold of Austria, 1189, IV. 19.

Frederic I.: Letter to, from Sibylla, Ex-queen of Jerusalem, 1189, IV. 20.
Frederic II.: Letter of, to Henry III., 1229, IV. 22.
Frederic II.: Privileges granted for Crusade against, 1248, II. 18.
French Constitutional Charter of 1814, III. 2.
Fulk of Chartres' Version of Speech by Urban II., II. 2.
German Crusade: Letter relating to, IV. 21.
Gerold's Letter to the Faithful, 1229, IV. 25.
Great Charter of King John, VI. 6.
Guy's Letter to B. of Chartres, 1249, IV. 33.
Henry I.: Coronation Charter of, VI. 3.
Henry II.: Coronation Charter of, VI. 5.
Henry III.: Letter to, from Frederic II., 1229, IV. 22.
Henry VIII.: Descriptions of, in 1515 and 1519, I. 3, 4.
Henry VIII.: Letter to Anne Boleyn, I. 6.
Henry VIII.: Letter from Latimer, I. 16.
Henry VIII.: Letter from Wolsey, I. 8.
Henry VIII.: Letters to Wolsey, I. 5, 7.
Heretics in Languedoc: Privileges granted for Crusade against, 1207, 1208, II. 18.
Holy Alliance: Text of, III. 9.
Hospitalers: Master of, Letter from East to, 1187, IV. 17.
Hospitalers: Master of, Letter from, to Lord de Melaye, 1244, IV. 29.
Hundred and Shire Courts: Provisions for, VI. 20.
Inquisition: Writ for an, VI. 22.
Jacobin Club: Origin of, V. 18.
Jerusalem: Decline and Fall of, Letters relating to, IV. 14.
John: Great Charter of, VI. 6.
Judicial Documents, VI. 20.

La March: Memoir of Mirabeau forwarded through him to the King, V. 8.
Lateran Council: Privileges granted Crusaders, 1215, II. 16.
Latimer: Extract from Sermon of, I. 20.
Latimer: Letter to Henry VIII., 1530, I. 16.
Leopold of Austria: Letters to, from Frederic I., 1189, IV. 19.
Letters of Henry VIII., Wolsey and Anne Boleyn, I. 5.
List of Letters, written by Crusaders, which have been translated, IV. 38.
London: William's Charter of Liberties to, VI. 2.
Lorraine: Duke of, Letter from, to Archbishop of Cologne, 1197, IV. 21.
Louis VII.: Letter to, from Aymeric, the Patriarch, 1164, IV. 14.
Louis IX.: Privilege granted Crusaders by, 1270, II. 19.
Louis XVIII.: Constitutional Charter granted, 1814, III. 2.
Magna Charta of King John, VI. 6.
Mallet du Pan: Opinion on Current Events, V. 33.
Marat: Extract from "Ami du Peuple," V. 32.
Memoir drawn up by Mirabeau for the King, V. 8.
Mirabeau: Memoir for the King, V. 8.
More: Description of, by Erasmus, I. 8.
More: Extracts from Roper's Life of, I. 14.
More: Letter to Peter Giles, I. 13.
National Assembly, Address of the, Feb. 11, 1790, V. 20.
Parliament: Writs of Summons to, VI. 33.
Peter the Hermit: Accounts of, II. 20.
Philip Augustus: Decree concerning Debts of Crusaders, 1188, II. 13.
Pilnitz: Declaration of, V. 34.
Pope: Letter to, from Daimbert, Godfrey and Raymond, 1099, IV. 8.

Privileges of the Crusaders, II. *12.*
Recognition: Writ for a, VI. *22.*
Recognitions on the Assizes, VI. *31.*
Resolutions of Carlsbad: Decrees based upon, III. *16.*
Rights of Man and of the Citizen: Declaration of, V. *6.*
Robert the Monk's Version of Speech by Urban II., II. *5.*
Roper's Life of More: Extracts from, I. *14.*
Second Crusade: Letters relating to, IV. *12.*
Shire and Hundred Courts: Provisions for, VI. *20.*
Shire-moot in Herefordshire, VI. *21.*
Sibylla's Letter to Frederic I., 1189, IV. *20.*
Six Articles: Act of, I. *18.*
Sixth Crusade: Letter relating to, IV. *33.*
Speech of Urban II., at Council of Clermont, II. *2, 5.*
Start of Crusaders: Account of, II. *22.*
Stephen: Coronation Charter of, VI. *5.*
Stephen of Blois: Letter to his Wife, 1098, IV. *5.*
Supremacy: Act of, I. *17.*
Truce of God: Clermont Canon, II. *8.*
Truce of God for the Diocese of Cologne, 1083, II. *9.*
Urban II.: Privilege granted Crusaders, 1095, II. *12.*
Urban II.: Speech of, at Council of Clermont, II. *2, 5.*
Venetian Ambassadors: Reports of, I. *2.*
Wibald of Corvey: Letters to, from Conrad III., 1148, IV. *12.*
Wolsey: Description of, in 1519, I. *2.*
Wolsey: Letters from Henry VIII., I. *5, 7.*
Wolsey: Letter to Henry VIII., I. *8.*
Writs of Summons to Parliament, VI. *33.*

Translations and Reprints

from the

Original Sources of European History.

Vol. I. The Early Reformation Period in England. No. 1.

Wolsey, Henry VIII, Sir Thomas More and Hugh Latimer.

Table of Contents.

PAGE

I. Reports of Venetian Ambassadors in England.
1. Description of Wolsey by Giustiniani, . . 2
2. Description of Henry VIII by Pasqualigo, . . 3
3. Description of Henry VIII by Giustiniani, . . 4

II. Letters of Henry VIII, Wolsey, and Anne Boleyn.
1. Henry to Wolsey, ... 5
2. Henry to Anne Boleyn, ... 6
3. Anne Boleyn and Henry to Wolsey, . . . 7
4. Wolsey to Henry, ... 8

III. Letter of Erasmus to Ulrich von Hutten, describing More, ... 8

IV. Letter of More to Peter Giles, transmitting the Utopia, ... 13

V. Extracts from Roper's life of More, . . . 14

VI. Letter from Latimer to Henry VIII, . . . 16

VII. Statutes.
1. Act of Supremacy, ... 17
2. Act of the Six Articles, ... 18

VIII. Extracts from a Sermon by Latimer, . . . 20

INTRODUCTION.

The period of the Renaissance and the Reformation, which began in England with the closing years of the fifteenth century, was a period of individualism, and gave a greater opportunity of influence to men of genius than any earlier period had furnished. The loosening of the bonds of custom in intellectual and ecclesiastical system, and in political and economic organization, gave to the opinions and actions of individual men far more significance than they could have had in the Middle Ages.

While the great currents of change could not, it is true, be diverted far from their course, yet particular direction and form were given to such change by the influence of men who possessed conspicuous abilities, occupied a powerful position, or represented strong forces. Four such men especially stand out as representative men of the early part of the sixteenth century, both as guides of its movements and types of its characteristics. Cardinal Wolsey was the great statesman, full of schemes of control and reform in church and state, and of ambition for English influence in the councils of Europe. Sir Thomas More was the representative of the "new learning," the keen critical intellect and broadened interests and sympathies which were transforming the entire habits of thought of the nation. Latimer represented the earnest protestant spirit of moral reform and revolt against the old church system. Finally, Henry VIII was not only the central figure and dominating force in England during the period of his long reign, not merely the occasion of the beginning of the English Reformation, but the type and precursor of that enthusiastic national spirit which was to reach its culmination in the reign of Queen Elizabeth. To give greater clearness to the personality of these four men is the object of the following selections from the abundant and picturesque contemporary records.

I. *REPORTS OF VENETIAN AMBASSADORS.*

1. *A DESCRIPTION OF CARDINAL WOLSEY.*

Sebastian Giustiniani to the Senate, September 10th, 1519.

Brown, Calendar of State Papers, Venetian, Vol. I, p. 560.

The Cardinal of York is the same as he whom I have styled Orion, in a work composed by me. He is of low origin and has two brothers, one of whom holds an untitled benefice, and the other is pushing his fortune. He rules both the king and the entire kingdom. On my first arrival in England he used to say to me, "His majesty will do so and so." Subsequently, by degrees, he forgot himself, and commenced saying, "We shall do so and so." At this present he has reached such a pitch that he says, "I shall do so and so." He is about forty-six years old, very handsome, learned, extremely eloquent, of vast ability

and indefatigable. He alone transacts the same business as that which occupies all the magistracies, offices and councils of Venice, both civil and criminal, and all state affairs likewise are managed by him, let their nature be what it may.

He is thoughtful, and has the reputation of being extremely just. He favors the people exceedingly, and especially the poor, hearing their suits and seeking to despatch them instantly. He also makes the lawyers plead gratis for all who are poverty-stricken. He is in very great repute, seven times more so than if he were Pope. He has a very fine palace, where one traverses eight rooms before reaching his audience chamber. They are all hung with tapestry which is changed once a week. Wherever he is, he always has a sideboard of plate worth 25,000 ducats. His silver is estimated at 150,000 ducats. In his own chamber there is always a cupboard with vessels to the amount of 30,000 ducats, as is customary with the English nobility. He is supposed to be very rich indeed in money, plate and household stuff.

The archbishopric of York yields him about 14,000 ducats, and the bishopric of Bath 8,000. One-third of the fees derived from the great seal are his, the other two are divided between the king and the chancellor. The cardinal's share amounts to about 5,000 ducats. By New Year's gifts he makes about 15,000 ducats.

---

2. *A DESCRIPTION OF HENRY VIII IN 1515.*

Pasqualigo to his Brother.

Brewer, Letters and Papers of the Reign of Henry VIII, Vol. I. p. xxviii.

His majesty is the handsomest potentate I ever set eyes on; above the usual height, with an extremely fine calf to his leg; his complexion very fair and bright, with auburn hair combed straight and short in the French fashion, and a round face so very beautiful that it would become a pretty woman, his throat being very long and thick. He wore a cap of crimson velvet, in the French fashion, and the brim was looped up all around with lacets and gold enamelled tags. His doublet was in the Swiss fashion, striped alternately with white and crimson satin, and his hose were scarlet and all slashed from the knee upwards. Very close around his neck he had a gold collar, from which there hung a rough-cut diamond, the size of the largest walnut I ever saw, and to this

was suspended a most beautiful and very large round pearl. His mantle was of purple velvet, lined with white satin, the sleeves open, with a train more than four Venetian yards long. This mantle was girt in front like a gown, with a thick gold cord, from which there hung large golden acorns like those suspended from a cardinal's hat; over this mantle was a very handsome gold collar, with a pendant St. George entirely of diamonds. Beneath the mantle he wore a pouch of cloth of gold, which covered a dagger, and his fingers were one mass of jewelled rings.

---

3. *A DESCRIPTION OF HENRY VIII IN 1519.*

Sebastian Giustiniani to the Senate, September 10th, 1519.

Brown, Calendar of State Papers, Venetian, Vol. I, p. 559.

His majesty is twenty-nine years old and extremely handsome. Nature could not have done more for him. He is much handsomer than any other sovereign in Christendom; a great deal handsomer than the king of France; very fair and his whole frame admirably proportioned. On hearing that Francis I wore a beard, he allowed his own to grow, and as it is reddish, he has now a beard that looks like gold. He is very accomplished, a good musician, composes well, is a most capital horseman, a fine jouster, speaks good French, Latin and Spanish, is very religious, hears three masses daily, when he hunts, and sometimes five on other days. He hears the office every day in the queen's chamber, that is to say vesper and compline. He is very fond of hunting, and never takes his diversion without tiring eight or ten horses, which he causes to be stationed beforehand along the line of country he means to take, and when one is tired he mounts another, and before he gets home they are all exhausted. He is extremely fond of tennis, at which game it is the prettiest thing in the world to see him play, his fair skin glowing through a shirt of the finest texture. He gambles with the French hostages, to the amount occasionally, it is said of from 6,000 to 8,000 ducats in a day. He is affable and gracious, harms no one, does not covet his neighbor's goods, and is satisfied with his own dominions, having often said to me, "Sir Ambassador, we want all potentates to content themselves with their own territories; we are

satisfied with this island of ours." He seems extremely desirous of peace.

He is very rich. His father left him ten millions of ready money in gold, of which he is supposed to have spent one-half in the war against France, when he had three armies on foot; one crossed the Channel with him, another was in the field against Scotland, and the third remained with the queen in reserve.

His revenues amount to about 350,000 ducats annually, and are derived from estates, forests and meres, the customs, hereditary and confiscated property, the duchies of Lancaster, York, Cornwall and Suffolk, the county palatine of Chester, and others, the principality of Wales, the export duties, the wool staple, the great seal, the annates yielded by Church benefices, the Court of Wards, and from New Year's gifts; for on the first day of the year it is customary for his majesty to make presents to everybody, but the value of those he receives in return greatly exceeds his own outlay. His majesty's expenses may be estimated at 100,000 ducats, those in ordinary having been reduced from 100,000 to 56,000, to which must be added 16,000 for salaries, 5,000 for the stable, 5,000 for the halberdiers, who have been reduced from 500 to 150, and 16,000 for the wardrobe, for he is the best dressed sovereign in the world. His robes are very rich and superb, and he puts on new clothes every holiday.

II. *LETTERS OF HENRY VIII, WOLSEY, AND ANNE BOLEYN.*

1. *HENRY TO WOLSEY, probably in August, 1517.*

Halliwell's Letters of the Kings of England, Vol. I, pp. 285-6.

Mine own Cardinal:

I recommend me unto you with all my heart, and thank you for the great pain and labor that you do daily take in my business and matters, desiring you when you have well established them to take some pastime and comfort, to the intent that you may the longer endure to serve us; for always pain cannot be endured. Surely you have so substantially ordered our matters, both of this side of the sea and beyond, that, in my opinion, little or nothing can be added. Nevertheless, according to your desire, I do send you mine opinion by this bearer, the

reformation whereof I do remit to you and the remnant of our trusty counsellors who I am sure will substantially look on it. As touching the matter that Sir Wm. Sandys brought answer of, I am well content with what order soever you do take in it. The queen, my wife, doth desire me to make her most hearty recommendations to you, as to him that she loveth very well, and both she and I would know fain when you will repair to us.

No more to you at this time, but that with God's help I trust we shall disappoint our enemies of their intended purpose.

Written with the hand of your loving master,

HENRY REX.

---

2. *HENRY TO ANNE BOLEYN, probably in May, 1528.*

Harleian Miscellany, Vol. I, pp. 189-200.

My mistress and friend:

I and my good heart put ourselves in your hands, begging you to recommend us to your favor, and not to let absence lessen your affection to us. For it were great pity to increase our pain, which absence alone does sufficiently, and more than I could ever have thought; bringing to my mind a point of astronomy, which is, that the farther the Moors are from us, the farther too is the sun, and yet his heat is the more scorching; so it is with our love, we are at a distance from one another, and yet it keeps its fervency, at least on my side. I hope the like on your part, assuring you that the uneasiness of absence is already too severe for me; and when I think of the continuance of that which I must of necessity suffer, it would seem intolerable to me, were it not for the firm hope I have of your unchangeable affection for me; and now, to put you sometimes in mind of it, and seeing I cannot be present in person with you, I send you the nearest thing to that possible, that is, my picture, set in bracelets, with the whole device, which you know already, wishing myself in their place, when it shall please you.

This from the hand of

Your servant and friend,

H. REX.

3. *ANNE BOLEYN AND HENRY TO WOLSEY, probably in September, 1528.*

Harleian Miscellany, Vol. I, pp. 189-200.

My lord:

In my most humble wise that my heart can think, I desire you to pardon me that I am so bold to trouble you with my simple and rude writing, esteeming it to proceed from her that is most desirous to know that your grace does well, as I perceive by this bearer that you do. The which I pray God long to continue, as I am most bound to pray; for I do know the great pains and troubles you have taken for me, both day and night, is never like to be recompensed on my part, but alonely in loving you next unto the king's grace, above all creatures living. And I do not doubt but the daily proofs of my deeds shall manifestly declare and affirm my writing to be true, and I do trust you do think the same. My lord, I do assure you, I do long to hear from you news of the legate; for I do hope, an they come from you, they shall be very good, and I am sure you desire it as much as I, and more, an it were possible, as I know it is not. And thus remaining in a steadfast hope, I make an end of my letter, written with the hand of her that is most bound to be,

Your humble servant,

ANNE BOLEYN.

The writer of this letter would not cease till she had caused me likewise to set to my hand; desiring you, though it be short, to take it in good part. I assure you there is neither of us but that greatly desireth to see you, and much more joyous to hear that you have scaped this plague so well, trusting the fury thereof to be past, specially with them that keepeth good diet, as I trust you do. The not hearing of the legate's arrival in France causeth us somewhat to muse; notwithstanding, we trust by your diligence and vigilancy (with the assistance of Almighty God) shortly to be eased out of that trouble. No more to you at this time; but that I pray God send you as good health and prosperity, as the writer would.

By your loving sovereign and friend,

HENRY, K.

4. *WOLSEY TO HENRY, probably October 9, 1529.*

State Papers, I, 347.

Most gracious and merciful sovereign lord:

Though that I, your poor, heavy, and wretched priest, do daily pursue, cry and call upon your royal majesty for grace, mercy, remission and pardon, yet in most humble wise I beseech your highness not to think that it proceedeth of any mistrust that I have in your merciful goodness, nor that I would encumber or molest your majesty by any indiscreet or inopportune suit; but that the same only cometh of an inward and ardent desire that I have continually to declare unto your highness how that next unto God, I desire nor covet any thing in this world but the attaining of your gracious favor and forgiveness of my trespass.

And for this cause I cannot desist nor forbear, but be a continual and most lowly suppliant to your benign grace. For surely most gracious king, the remembrance of my folly, with the sharp sword of your highness' displeasure, hath so penetrated my heart, that I cannot but lamentably cry and say—"It is sufficient;" now withold thy hand, most merciful king. Forgive and ye shall be forgiven. Blessed are the merciful. * * * * *

Your grace's most prostrate poor chaplain, creature,
and bedesman,

THOMAS, Card. York,
Most Unhappy.

III. *DESCRIPTION OF MORE BY ERASMUS.*

Epistolarum Desiderii Erasmi Rotterdami Libri 31, London, 1642; pp. 533-545. Latin.

Erasmus of Rotterdam, to Ulrich von Hutten, sends greeting: * * *

Since you urge me to describe More completely for you, as if painted in a picture, I would that I were able to depict him as clearly as you desire it vehemently. * * * *

I shall try to suggest, rather than adequately describe to you, the likeness of the whole man, as in daily intercourse I have been able to observe or remember it.

Beginning with those characteristics of More which are most unknown to you; in stature he is not tall, and yet above any conspicuous

shortness. Indeed the symmetry of his body is so great that you do not notice his size. He is of light complexion, his face fair rather than pale, yet far from being ruddy, except when a slight flush overspreads it. His hair is brownish yellow or, if you prefer, golden brown; and his beard thin. His eyes are gray, with spots here and there on them, an indication of great talent, and considered in England the sign of an amiable temper, though our countrymen prefer black eyes. It is said that there is no sort of eyes less subject to disease. His face reflects his mind, and always wears a pleasant and mirthful expression, occasionally passing into a laugh; and, to tell the truth, he is more inclined to pleasantry than to gravity and dignity, though far removed from folly or buffoonery. His right shoulder has the look of being somewhat higher than his left, especially when he is walking—the fault not of nature, but of habit, as is the case with many of our peculiarities. In the rest of his person there is nothing very striking, except that his hands are rather coarse, that is to say, in comparison with the general beauty of his person. He was always from his childhood very negligent of everything relating to his personal appearance, to such a degree, indeed, that he is not even accustomed to care greatly for those things which Ovid teaches us are alone worthy to be cared for by men. The gracefulness of form which he had when a youth is not now, as you might guess, that of a reed, since I myself knew the man when he was not more than twenty-three years old, for now he is over forty. His health is good rather than robust, yet sufficient for any labors worthy of an honest citizen; and he suffers from no disease, or at any rate from very few. There is reason to hope he will be long-lived, since his father is a very old man and enjoys a wonderfully vigorous and hearty old age.

I have never seen any one less fanciful in his choice of food. Until he was grown up he liked to drink water best—a custom which he had from his father. But not to offend any one in this matter, he would deceive the company by using a tin cup for drinking, and then taking beer as thin as water, and often even plain water. Wine (it being the custom then for people to invite one another to drink out of the same cup) he would touch with the tips of his lips, that he might not seem absolutely to refuse it, and at the same time because he wished to accustom himself to things that are usual. He preferred plain roast beef, salt fish, and brown bread well-raised, to what most people consider delicacies, though he made no effort to abstain from anything that

gives harmless pleasure, even to the body. He was always fond of everything with milk in it, and of fruit; eggs he regards as a luxury. His voice is neither loud nor very shrill, but penetrating, with no softness or melody; and yet he speaks distinctly. Although he takes pleasure in all kinds of music, he does not seem to have been gifted by nature with a voice for singing. His speech is wonderfully precise and well enunciated, neither too rapid nor at all hesitating. He dresses very simply, and wears no silk or purple or gold chains, except when it is impossible to avoid it. He is exceedingly regardless of those ceremonies by which most people judge of good manners, and as he exacts them from no one, he is not anxious to show them to others; yet he understands them perfectly, if he chooses to practice them. He thinks it effeminate, however, and unworthy of a man to spend a great part of one's time on such trivial concerns. To the court and intercourse with princes he was formerly much averse, because tyranny had always been particularly hateful to him, just as justice was attractive. You will scarcely find any court so disciplined as not to have much of bustle and of ambition, much guile and much luxury, and which is entirely free from every kind of tyranny. Nor, indeed, into the court of Henry VIII could he be drawn, except by much effort, although none can be found more order-loving and more moderate than this prince. More is by nature desirous of liberty and ease; but just as he uses ease gladly when it is given, so when business requires, no one is more careful or more laborious.

One might suppose he had been expressly formed for friendship, so sincerely does he cultivate, and so tenaciously adhere to it. Nor is he afraid of having too many friends, although Hesiod condemns it. In fact, he is ready to strike up acquaintance with everybody, and while he is thus by no means fastidious in his choice of friends, he is ever most kind in showing them hospitality, and most constant in retaining them. If by chance he falls in with any one whose faults are past cure, he takes an opportunity of dismissing him quietly, thus untying, rather than rudely breaking the bonds of friendship. But when he finds any who are truly sincere and of congenial temperament, he is so fond of conversing with them and telling them stories, that you would fancy he considered this the greatest pleasure of life; for he has an utter abhorrence of ball, dice, cards and other games with which most gentlemen beguile their hours of leisure. Moreover, while he is

inattentive to his own interest, he is most diligent in looking after the business of his friends. In short, whoever wants a perfect pattern of true friendship, cannot possibly do better than take it from the example of More.

In company, he possesses such rare courtesy and sweetness of manner as would cheer any heart, however sad, or alleviate the tedium of any situation, however disagreeable. From his boyhood, he was always as fond of jokes as if he had come into the world for no other purpose; yet he never went to the length of scurrility, nor could he bear to utter an unkind word. When a lad, he both wrote farces, and acted in them. So great is his love for pleasantry, especially if it be sharp and really clever, that he would enjoy a joke even at his own expense, and this led him, when he was a young man, to amuse himself with writing epigrams; indeed, it was he who instigated me to write my "Praise of Folly," which was as much in my way as for a camel to dance. There is nothing, however, in the world, not even in the most serious business, from which he will not extract amusement. In company with learned and sensible men, he finds pleasure in intellectual converse; but among fools or silly people, he amuses himself with their folly; nor do the most foolish people annoy him, so extraordinary is his power of adapting himself to every character. With ladies, and even with his wife, he does nothing but laugh and joke. You might fancy him a second Democritus, or rather that philosopher, the disciple of Pythagoras, who walking up and down the market place with his mind at leisure, calmly surveys the busy throng of buyers and sellers. No man is less influenced by the opinion of the world, and yet, on the other hand, there is no one who has more common sense. One of his greatest pleasures is to observe the form, the instincts and the dispositions of different animals; and there is hardly any kind of bird which he does not keep at home, besides other rare animals, as the ape, the fox, the ferret, the weasel, and such like. Besides, if he hears of any foreign, or otherwise interesting curiosity, he at once buys it; and every corner of his house is so filled with these things that wherever you turn, something or other worth looking at attracts the eye, and so his own pleasure is renewed as often as he sees others pleased.

No man was ever less greedy of filthy lucre. He has set aside for his children what he thinks enough for them, and the remainder he spends liberally. When he was living by his practice at the bar, he

gave to every one the truest and most friendly advice, looking to their advantage rather than his own ; and he would persuade many to compose their differences, telling them that that would be less expensive than going to law. If he could not succeed in that, seeing there are some people who delight in litigation, he would then point out how they might have their differences settled at the smallest possible expense. For several years he was a judge of civil causes in the city of London, where he was born—an office, which as it has few duties connected with it, (the court sitting only on Thursday mornings,) is yet esteemed one of the greatest honor. No one ever dispatched more cases; no one ever acted with greater integrity; he often returned to the suitors the fees due by law. That is, if before the case is heard, the plaintiff deposits a certain sum and the defendant the same, no more can be subsequently demanded. In this way he brought it about that he was extremely beloved in his city. He had, however, decided to be content with this fortune, which had enough of authority, and yet was not subject to great dangers.

When he had been repeatedly sent on embassies, and in these had acted with conspicuous discretion, the most serene king, Henry VIII, would not rest until he had dragged the man into the services of his court. For why should I not say "dragged?" No one ever went about more laboriously to be admitted to court, than this man tried to escape it. But since this most excellent king had made up his mind to fill his household with learned, grave, discreet and honorable men, as many others, especially did he summon More, whom he has there held in the greatest intimacy, so that he will never let him leave him. If serious matters had to be considered, no one was more wise in council than he; if the king thought well to relax his mind with pleasant stories, no companion was more merry. If difficult cases demand a judge of special wisdom and gravity, More decides them so as to please both parties; and yet never was he prevailed on to receive a bribe from any one. Happy would it be for the world, if every king could employ such ministers of justice as More. Nor has he, in consequence of his elevation, become too proud to remember his humble friends; and amid the pressure of business, he yet finds time now and then to return to his beloved studies. Whatever power he has in virtue of his rank, whatever influence he enjoys through the favor of his sovereign, he uses it all for the good of his country and the good of his friends. At all

times he was most anxious to confer favors without distinction, and always leaned in a marvellous degree to the side of mercy; and now, when he has more power, he indulges the spirit the more freely. He helps some with money, protects others by his authority; others he advances by his recommendations, while he aids with his advice those whom he cannot otherwise assist, and never sends any one from him dissatisfied. You would suppose More was the public patron of all poor men. He thinks it a great gain to himself to have relieved the oppressed, set at liberty the embarrassed or perplexed, or recovered the friendship of any one who was estranged from him. No one can be more ready to do a kindness, no one less exacting in looking for its repayment. Now, though he is in many respects at the very pinnacle of good-fortune, and although good-fortune is usually accompanied by pride, I have never yet met with anyone who was more entirely free from that vice. He cultivates true piety diligently, though far removed from all superstition. He has hours in which he appeals to God in prayers suggested not by custom but by his heart. With his friends he talks about the life of the world to come, in such a way that you will recognize that he speaks from the heart, and with the best of hopes.

Such is More at court. Yet there are those who think that Christians are not to be found anywhere except in monasteries. Such men this most wise king not only admits, but invites, nor indeed only invites, but compels into his household, and even into his sleeping chamber, He has these as observers and continual witnesses of his life; he has them in his councils; he has them as companions of his journeys. He takes pleasure in being closely surrounded by them, rather than by youths given up to luxury, or by girls, or even by bejewelled rich men, or insincere officials, of whom one summons him to unsuitable pleasures, another inflames him to tyranny, another suggest new means of despoiling the people. * * * * There are Mountjoy, Linacre, Pace, Colet, Stokesley, Clark, Latimer, More, Tunstal—and others like these. of whom, when you name any one, you name at the same time a whole world of virtues and studies. * * * * Farewell.

Antwerp, July 23, 1519.

IV. *LETTER OF MORE TO PETER GILES. 1516.*

Ralph Robinson's Translation, Arber Reprint, pp. 22-23. Latin.

Thomas More to Peter Giles, sendeth greeting:

* * * * Only to write plainly the matter as I heard it spoken; that indeed was a thing light and easy to be done. Howbeit to the dispatching of this so little business, my other cares and troubles did leave almost less than no leisure. While I do daily bestow my time about law matters; some to plead, some to hear, some as an arbitrator with mine award to determine, some as an umpire or a judge, with my sentence to discuss. Whiles I go one way to see and visit my friend; another way about mine own private affairs. Whiles I spend almost all the day abroad among others, and the residue at home among mine own, I leave to myself, I mean to my book, no time. For when I am come home, I must commune with my wife, chat with my children, and talk with my servants. All the which things, I reckon and account among business, forasmuch as they must of necessity be done; and done must they needs be, unless a man will be a stranger in his own house. And in any wise a man must so fashion and order his condition, and so appoint and dispose himself, that he be merry, jocund and pleasant among them, whom either nature hath provided, or chance hath made, or he himself hath chosen, to be the fellows and companions of his life; so that with too much gentle behavior and familiarity, he do not mar them, and by too much sufferance of his servants, maketh them his masters. Among these things now rehearsed stealeth away the day. the month, the year, When do I write, then? And all this while, have I spoken no word of sleep, neither yet of meat, which among a great number doth waste no less time than doth sleep, wherein almost half the lifetime of man creepeth away. I therefore do win and get only that time which I steal from sleep and meat. Which time, because it is very little, and yet somewhat it is, therefore have I once at the last, though it be long first, finished Utopia; and have sent it to you, friend Giles, to read and peruse. * * * *

V. *EXTRACTS FROM ROPER'S LIFE OF MORE.*

Composed by his son-in-law, Wm. Roper, about 1555; first printed in 1626.

And for the pleasure he (the king) took in his (More's) company, would his Grace suddenly sometimes come home to his (More's) house at Chelsea to be merry with him, whither on a time unlooked for he came to dinner, and after dinner, in a fair garden of his, walked with

him by the space of an hour holding his arm about his neck. As soon as his Grace was gone, I rejoicing, told Sir Thomas More how happy he was whom the king had so familiarly entertained, as I had never seen him do to any before, except Cardinal Wolsey, whom I saw his Grace once walk with, arm in arm. "I thank our Lord, son," quoth he, "I find his Grace my very good lord, indeed, and I do believe he doth as singularly favor me as any subject within this realm. Howbeit I may tell thee, I have no cause to be proud thereof. For if my head would win him a castle in France (for then there was war between us), it should not fail to go."

On a time, walking along the Thames' side with me, at Chelsea, in talking of other things he said to me: "Now would to God, son Roper, upon condition three things were well established in Christendom, I were put in a sack and here presently cast into the Thames." "What great things be these, sir," quoth I, "that should move you so to wish?" "I' faith, they be these, son," quoth he. "The first is, that whereas the most part of Christian princes be at mortal wars, they were at universal peace. The second, that where the church of Christ is at this present sore afflicted with many heresies and errors, it were well settled in an uniformity of religion. The third, that where the king's matter of his marriage is now come into question, it were to the glory of God and quietness of all parties brought to a good conclusion."

Now upon his resignment of his office came Sir Thomas Cromwell, then in the king's high favor, to Chelsea, to him on a message from the king, wherein, when they had thoroughly communed together, "Mr. Cromwell," quoth he, "you are now entered into the service of a most noble, wise and liberal prince; if you will follow my poor advice, you shall, in counsel-giving unto his Grace, ever tell him what he ought to do, but never tell him what he is able to do, so shall you show yourself a true faithful servant, and a right worthy councillor. For if the lion knew his own strength, hard were it for any man to rule him."

After this, as the duke of Norfolk and Sir Thomas More chanced to fall in familiar talk together, the duke said unto him, "By the mass, Mr. More, it is perilous striving with princes, and therefore I would wish you somewhat to incline to the king's pleasure. For by God's body, Mr. More, 'the anger of the king is death.'" "Is that all, my

lord?" quoth he, "is there, in good faith, no more difference between your Grace and me, but that I shall die to-day and you to-morrow?"

And so was he brought by Mr. Lieutenant out of the tower, and from thence led towards the place of execution, where, going up the scaffold, which was so weak that it was ready to fall, he said to Mr. Lieutenant, "I pray you, I pray you, Mr. Lieutenant, see me safe up, and for my coming down let me shift for myself." Then desired he all the people thereabouts to pray for him, and to bear witness with him that he should then suffer death in, and for the faith of the holy catholic church; which done he kneeled down, and after his prayers said, he turned to the executioner, and with a cheerful countenance spake unto him: "Pluck up thy spirits, man, and be not afraid to do thine office. My neck is very short; take heed therefore thou shoot not awry, for saving thine honesty." So passed Sir Thomas More out of this world to God.

Soon after whose death came intelligence thereof to the Emperor Charles, whereupon he sent for Sir Thomas Elliott, our English ambassador, and said unto him: "My lord ambassador, we understand that the king, your master, hath put his faithful servant and grave, wise councillor, Sir Thomas More, to death. * * * If we had been master of such a servant, of whose doings ourselves have had these many years no small experience, we would rather have lost the best city of our dominions, than have lost such a worthy councillor."

VI. *LETTER FROM LATIMER TO HENRY VIII, 1530.*

Latimer's Remains, published by the Parker Society, pp. 308-9.

* * * * * * * *

I pray to God that your Grace may take heed of the worldly wisdom which is foolishness before God; that you may do that God commandeth, and not that seemeth good in your own sight, without the word of God; that your Grace may be found acceptable in his sight, and one of the members of his church; and according to the office that he hath called your Grace unto, you may be found a faithful minister of his gifts, and not a defender of his faith; for he will not have it defended by man or man's power, but by his word only, by the which he

hath evermore defended it, and that by a way far above man's power or reason.

Wherefore, gracious king, remember yourself; have pity upon your soul; and think that the day is even at hand when you shall give account for your office, and of the blood that hath been shed by your sword. In which day, that your Grace may stand steadfastly, and not be ashamed, but be clear and ready in your reckoning, and have, as they say, your *quietus est* sealed with the blood of our Saviour Christ, which serveth at that day, is my daily prayer to Him that suffered death for our sins, which also prayeth to his Father for grace for us continually; to whom be all honor and praise forever. Amen. The spirit of God preserve your Grace.

VII. *STATUTES.*

1. *THE ACT OF SUPREMACY.*

26 Henry VIII, c. 1, (1534). Statutes of the Realm III, p. 492. English.

An Act concernynge the Kynges Highnes to be supreme heed of the Churche of Englande and to have auctoryte to reforme and redresse all errours, heresyes and abuses yn the same.

Albeit the Kynges Majestie justely and rightfully is and oweth to be the supreme heed of the Churche of England, and so is recognysed by the clergy of this Realme in theyr convocacions; yet nevertheless for corroboracion and confirmacion thereof, and for increase of vertue in Cristis Religion within this Realme of England, and to represse and extirpe all errours, heresies and other enormyties and abuses heretofore used in the same. Be it enacted by auctority of this present Parliament that the Kyng our Soveraign Lorde, his heires and successours Kynges of this Realme shall be takyn, acceptyd, and reputed the onely supreme heed in erthe of the Churche of England callyd Anglicana Ecclesia, and shall have and enjoye annexed and unyted to the Ymperyall Crowne of this Realme as well the title and style thereof, as all Honours Dignyties prehemynences jurisdiccions privileges auctorities ymunyties profitis and commodities to the said dignyties of supreme heed of the same Churche belongyng and apperteyning: And that our said Soveraigne Lorde his heires and successours Kynges of this

Realme shall have full power and auctorite from tyme to tyme to visite represse redresse reforme order correct restrayne and amende all suche errours heresies abuses offences contemptes and enormyties whatsoever they be whiche by any maner spirituall auctoryte or juristiccion ought or maie lawfullye be reformyd repressyd ordred redressyd correctyd restrayned or amendyd, most to the pleasure of almyghtie God the increase of vertue yn Chrystis Religion and for the conservacy of the peace unyte and tranquylyte of this Realme: Any usage custome foreyne laws foreyne auctoryte prescripcion or anye other thinge or thinges to the contrarie hereof notwithstandinge.

---

2. *THE ACT OF THE SIX ARTICLES.*

31 Henry VIII, c. 14, (1539), § 1. Statutes of the Realm, III, pp. 739-740. English.

An Acte abolishing diversity in Opynions.

Where the Kinges most excellent Majestie is by Gods lawe supreme head ymmediately under him of this hole churche and congregation of Englande intendinge the conservacion of the same Churche and congregation in a true syncere and unyforme doctrine of Christ's Religion.

* * * * *

Forasmuche as in the saide parliament synode and convocacion there were certen articles, matters and questions proponed and set forth touchinge Christen Religion. * * * *

The Kinges most Royal Majestie most prudently ponderinge and consideringe that by occasion of variable and sundrie opinions and judgements of the saide articles, greate discorde and variance hathe arisen as well amongest the clergie of this his Realme as amongest a great number of vulgar people his lovinge subjects of the same, and beinge in a full hope and truste that a full and perfect resolucion of the saide articles shoulde make a perfecte concorde and unyte generally amonge all his lovinge and obedient subjects; of his most excellent goodness not only commanded that the saide articles shoulde deliberately and advisedly by his saide Archbisshops Bishopps and other lerned men of his clergie be debated argued and reasoned, and their opinions therein to be understood declared and knowne, but also most graciously vouchsaved in his owne princelie person to discend and come into his said highe Courte of Parliament and Counsaile and there like a Prince of most highe Prudence and noe lesse lernynge opened and declared many things of highe

lerning and great knowledge touchinge the said articles matters and questions, for an unytye to be had in the same; whereupon, after a greate and longe deliberate and advised disputacion and consultacion had and made concerning the saide articles, as well by the consent of the Kinges Highnes as by thassent of the Lordes spirituall and temporall and other lerned men of his clergie in their convocacion, and by the consent of the Commons in this present parliament assembled, it was and is fynally resolved accorded and agreed in manner and forme following, that is to say: First, that in the most blessed Sacrament of the aulter, by the strengthe and efficacy of Christs myghtie worde, it beinge spoken by the prest, is present really, under the forme of bread and wyne, the naturale bodye and bloode of our Saviour Jesu Crist, conceyved of the Virgin Marie, and after the consecracion there remayneth noe substance of bread or wyne, nor any other substance but the substance of Criste, God and man; secondly, that Comunion in bothe kinds is not necessarie *ad salutem* by the lawe of God to all persons; and that it is to be beleved and not doubted of, but that in the fleshe under forme of bread is the verie blode, and withe the blode under forme of wyne is the verie fleshe, as well aparte as thoughe they were bothe together; thirdly, that Priests after the order of Presthode receyved as afore may not marye by the lawe of God; fourthlye, that vowes of chastitye and wydowhood by man or woman made to God advisedly ought to be observed by the lawe of God, and that it exempteth them from other libertyes of Cristen people, which without that they myght enjoye; fyftly, that it is mete and necessarie that private masses be contynued and admytted in this the Kings English Churche and congregacion as whereby good Cristen people orderinge them selfes accordingly doe receyve bothe godly and goodly consolacions and benefyttes and it is agreable also to Gods lawe; sixtly, that auricular confession is expedient and necessarie to be retayned and contynued used and frequented in the Churche of God.[1]

[1] Subsequent paragraphs provide, (1), that any person teaching or preaching to the contrary of the first of the above articles should be adjudged a heretic, be put to death "by waye of burninge," and should forfeit all his possessions to the king; (2), that any person teaching or preaching to the contrary of the other five articles should be adjudged a felon, suffer death accordingly, forfeiting all his goods as before; (3), all marriages of priests, monks, and nuns should be dissolved; (4), all books containing matter contrary to the six articles should be burnt; (5), the clergy should read the articles aloud in their churches once every three months; (6), commissioners should be appointed to see that the act was enforced.

VIII. *EXTRACTS FROM A SERMON BY LATIMER.*

Sermon on "The Agony in the Garden," preached before King Edward VI, Good Friday, April 19th, 1549. Seven Sermons before Edward VI, Arber Reprint, pp. 182-208.

Quaecunque scripta sunt ad nostram doctrinam scripta sunt. All things that be written, they be written to be our doctrine. By occasion of this text, most honorable audience, I have walked this Lent in the broad fields of scripture and used my liberty and intreated of such matters as I thought meet for this auditory. I have had a do with many estates, even with the highest of all. I have intreated of the duty of kings, of the duty of magistrates and judges, of the duty of prelates, allowing that that is good, and disallowing the contrary. I have taught that we are all sinners. I think there is none of us all, neither preacher nor hearer, but we may be amended, and redress our lives. We may all say, yea all the pack of us, *peccavimus cum patribus nostris.* We have offended and sinned, with our forefathers. *In multis offendimus omnes.* There is none of us all, but we have in sundry things grievously offended almighty God. I here intreated of many faults and rebuked many kinds of sins. I intend to-day by God's grace, to show you the remedy of sin. * * * * * *

Let us follow Christ which in his agony resorted to his father with his prayer. This must be our pattern to work by. Here I might dilate the matter as touching praying to saints, here we may learn not to pray to saints. Christ bids us, *ora patrem qui est in cœlis.* Pray to thy Father that is in heaven, to the creator, and not to any creature.

* * * * * * * * *

Faith is a noble duchess, she hath ever her gentleman usher going before her, the confession of sins; she hath a train after her, the fruits of good works, the walking in the commandments of God. He that believeth will not be idle, he will walk, he will do his business. Have ever the gentleman usher with you. So if you will try faith, remember this rule,—consider whether the train be waiting upon her. * *

If you will believe and acknowledge your sins, you shall come to the blessed communion of the bitter passion of Christ worthily, and so attain to everlasting life, to the which the Father of heaven bring you and me. Amen.

TRANSLATIONS AND REPRINTS

FROM THE

ORIGINAL SOURCES OF EUROPEAN HISTORY.

VOL. I. URBAN AND THE CRUSADERS. NO. 2.

TABLE OF CONTENTS.

I. SPEECH OF URBAN II AT THE COUNCIL OF CLERMONT.

1. Version given by Fulcher of Chartres 2
2. Version given by Robert the Monk 5

II. THE TRUCE OF GOD.

1. First Canon of the Council of Clermont 8
2. Truce of God for Diocese of Cologne, April 20, 1083 . 9

III. PRIVILEGES OF THE CRUSADERS.

1. Privilege granted by Urban II, 1095 12
2. Privileges granted by Eugene III, 1145 13
3. Decree of Philip Augustus, 1188, concerning debts of Crusaders 13
4. Privileges granted by Fourth Lateran Council, 1215 . 16
5. Privileges granted for Crusade against Heretics in Languedoc, 1207–08 18
6. Privileges granted for Crusade against Frederic II, 1248 18
7. Privilege granted by Louis IX., 1270 19

IV. PETER THE HERMIT.

1. Guibert of Nogent's Account 20
2. William of Tyre's Account 20

V. FULCHER'S ACCOUNT OF THE START 22

VI. SELECT BIBLIOGRAPHY 23

I. *SPEECH OF URBAN II. AT THE COUNCIL OF CLERMONT. November 26, 1095.*

Four contemporaries, who were probably present at the Council of Clermont, give in their histories accounts of Urban's speech. No one pretends to reproduce his exact words. Each gives an outline of what was said, and dwells on the part which especially interested him. Guibert of Nogent was most affected by the mysticism of the Pope, and the need of contending against Anti-Christ, when he should arise. Baldric of Dol's account is the least full, and adds little to the other accounts. The versions given by Fulcher of Chartres and Robert the Monk are reproduced here. (For other versions, see Röhricht: Beiträge zur Geschichte der Kreuzzüge, II, 45.)

The version of Urban's speech given by William of Tyre, though the one generally quoted, is wholly untrustworthy. The learned bishop colors and reworks the accounts of the contemporaries, and adds some statements of his own. He speaks of Peter the Hermit, who is not mentioned by any one of the first four and who certainly was not mentioned by Urban. His whole account reflects the ideas of a later age.

Of Urban's speech Wilken says: "Many orations have been delivered with as much eloquence, and in as fiery words as the Pope used, but no other oration has ever been able to boast of as wonderful results."

I. *Version given by Fulcher of Chartres.*

Recueil, III, 322 ff. Bongars, I, 382–383. Latin.

Most beloved brethren, moved by the exigencies of the times, I, Urban, wearing by the permission of God the papal tiara, and spiritual ruler of the whole world, have come here to you, the servants of God, as a messenger to disclose the divine admonition. I desire that those whom I have believed to be the faithful servants of God shall show themselves such, and that there shall be no shameful dissimulation. But if there is in you, contrary to God's law, any deformity or crookedness, because you have lost the moderation of reason and justice, I will earnestly strive to root out the fault. For the Lord has placed you over His family as stewards in order that you may feed its members with pleasant tasting food suited to the time. You will be happy indeed, if when He requires of you an account, He shall find that you have been faithful in your stewardships. You are also called shepherds; be not hirelings. Be true shepherds and have your crooks always in your hands. Fall not asleep, but watch in all places over the flock committed to your charge. For if, through your carelessness or negligence, any wolf snatches away a sheep, you will not only lose the reward prepared for you in the presence of your Lord, but also, having been first bitterly tortured by remorse for your crimes, you will be savagely hurled into the deadly abode.

In the words of the Gospel, "Ye are the salt of the earth." But if you fail in your duty, how, we ask, can it be salted? Oh, how admirable is that salting! Truly, you must strive by the salt of wisdom to correct these foolish people, hastening open-mouthed after the pleasures of this world, lest putrefied by sins and unsalted, they may be a stench in the nostrils when the Lord wills on some future day to address them. For if, through your neglect of duty, He shall find in them any worms, that is sins, He will in contempt order them to be hurled into the abyss of unclean things. And because you are unable to make good to Him so great a loss, He will certainly drive you, condemned by His judgment, from the presence of His love.

But for this reason the distributor of this salt ought to be wise, prudent, modest, pacific, learned, watchful, pious, just, equitable, pure. For how can the unlearned make others learned, the immodest make others modest, the impure make others pure? If any one hates peace, how can he be a peace-maker? Or if one's own hands are unclean, how can he cleanse the impurities of another? We read also that "if the blind lead the blind, both shall fall into the ditch." Accordingly first correct yourselves, so that without reproach you may be able to correct those under your charge.

If you wish to be the friends of God, do willingly the things which you believe to be agreeable to Him. Look to it especially that the rules of the church are vigorously maintained, so that simoniacal heresy in no way takes root among you; take heed lest purchasers and venders alike, struck by the chastisement of the Lord, be miserably driven through narrow ways to confusion and destruction. Keep the church and those in its service entirely free from all secular power, cause the tithes due to God from all the fruits of the field to be faithfully paid; let them not be sold or held back. If any one shall lay hands on a bishop, let him be considered as wholly an outlaw. If any one shall seize or despoil monks, priests, nuns, and their servants, or pilgrims or merchants, let him be anathematized. Let robbers, incendiaries and their accomplices be shut out from the church and stricken with the anathema. Therefore we must, as Gregory says, especially consider how he, who steals the property of another, is to be punished, if he who from his own possessions does not employ a part in alms, incurs the damnation of hell. For so it befel Dives mentioned in the Gospel, who forsooth was punished not for having stolen the property of another, but because he was a bad steward of what had been intrusted to him.

By these evils, therefore, as has been said, dearly beloved brethren, you have seen the world troubled for a long time to such an extent that in some places in your provinces, as has been reported to us—mayhap through your weakness in administering justice—hardly any one can venture to travel upon the highways, by night or day, without danger of attack by thieves or robbers; and no one is sure that his property at home or abroad will not be taken from him by the violence or craft of the wicked. Therefore, let us re-enact the law made by our holy ancestors long ago and commonly called "the Truce" [of God]. I most earnestly exhort you that each one should strenuously do all in his power to have it observed in his bishopric. But if any one misled by pride or cupidity breaks it voluntarily, let him be anathematized by the authority of God and by the sanction of the decrees of this council.

(Here Urban paused and the council enacted the decrees which he desired, and which all who were present took oath to obey faithfully. The Pope then proceeded:)

Since, oh sons of God, you have promised the Lord more earnestly than heretofore to maintain peace in your midst and faithfully to sustain the laws of the church, there remains for you, newly fortified by the correction of the Lord, to show the strength of your integrity in a certain other duty, which is not less your concern than the Lord's. For you must carry succor to your brethren dwelling in the East, and needing your aid, which they have so often demanded. For the Turks, a Persian people, have attacked them, as many of you know, and have advanced into the territory of Romania as far as that part of the Mediterranean which is called the Arm of St. George;* and occupying more and more the lands of those Christians, have already seven times conquered them in battle, have killed and captured many, have destroyed the churches and devastated the kingdom of God. If you permit them to remain for a time unmolested, they will extend their sway more widely over many faithful servants of the Lord.

Wherefore, I pray and exhort, nay not I, but the Lord prays and exhorts you, as heralds of Christ, by frequent exhortation, to urge men of all ranks, knights and foot-soldiers, rich and poor, to hasten to exterminate this vile race from the lands of our brethren, and to bear timely aid to the worshippers of Christ. I speak to those who are present, I proclaim it to the absent, but Christ commands. Moreover, the sins

* The Hellespont.

of those who set out thither, if they lose their lives on the journey, by land or sea, or in fighting against the heathen, shall be remitted in that hour; this I grant to all who go, through the power of God vested in me.

Oh, what a disgrace if a race so despised, degenerate, and slave of the demons, should thus conquer a people fortified with faith in omnipotent God and resplendent with the name of Christ! Oh, how many reproaches will be heaped upon you by the Lord Himself if you do not aid those who like yourselves are counted of the Christian faith! Let those who have formerly been accustomed to contend wickedly in private warfare against the faithful, fight against the infidel and bring to a victorious end the war which ought long since to have been begun. Let those who have hitherto been robbers now become soldiers of Christ. Let those who have formerly contended against their brothers and relatives now fight as they ought against the barbarians. Let those who have formerly been mercenaries at low wages, now gain eternal rewards. Let those who have been striving to the detriment both of body and soul, now labor for a two-fold reward. What shall I add? On this side will be the sorrowful and poor, on the other the joyful and the rich; here the enemies of the Lord, there His friends. Let not those who are going delay their journey, but having arranged their affairs and collected the money necessary for their expenses, when the winter ends and the spring comes, let them with alacrity start on their journey under the guidance of the Lord.

2. *Version given by Robert the Monk.*

Recueil, III, 727 ff. Bongars I, 31–32. Latin.

Oh, race of Franks, race from across the mountains, race chosen and beloved by God—as shines forth in very many of your works—set apart from all nations by the situation of your country, as well as by your catholic faith and the honor of the holy church! To you our discourse is addressed and for you our exhortation is intended. We wish you to know what a grievous cause has led us to your country, what peril threatening you and all the faithful has brought us.

From the confines of Jerusalem and the city of Constantinople a horrible tale has gone forth and very frequently has been brought to our ears, namely, that a race from the kingdom of the Persians, an accursed race, a race utterly alienated from God, a generation forsooth which has not directed its heart and has not entrusted its spirit to God, has invaded the lands of those Christians and has depopulated them

by the sword, pillage and fire; it has led away a part of the captives into its own country, and a part it has destroyed by cruel tortures; it has either entirely destroyed the churches of God or appropriated them for the rites of its own religion. They destroy the altars, after having defiled them with their uncleanness. They circumcise the Christians, and the blood of the circumcision they either spread upon the altars or pour into the vases of the baptismal font. When they wish to torture people by a base death, they perforate their navels, and dragging forth the extremity of the intestines, bind it to a stake; then with flogging they lead the victim around until the viscera having gushed forth the victim falls prostrate upon the ground. Others they bind to a post and pierce with arrows. Others they compel to extend their necks and then, attacking them with naked swords, attempt to cut through the neck with a single blow. What shall I say of the abominable rape of the women? To speak of it is worse than to be silent. The kingdom of the Greeks is now dismembered by them and deprived of territory so vast in extent that it can not be traversed in a march of two months. On whom therefore is the labor of avenging these wrongs and of recovering this territory incumbent, if not upon you? You, upon whom above other nations God has conferred remarkable glory in arms, great courage, bodily activity, and strength to humble the hairy scalp of those who resist you.

Let the deeds of your ancestors move you and incite your minds to manly achievements; the glory and greatness of king Charles the Great, and of his son Louis, and of your other kings, who have destroyed the kingdoms of the pagans, and have extended in these lands the territory of the holy church. Let the holy sepulchre of the Lord our Saviour, which is possessed by unclean nations, especially incite you, and the holy places which are now treated with ignominy and irreverently polluted with their filthiness. Oh, most valiant soldiers and descendants of invincible ancestors, be not degenerate, but recall the valor of your progenitors.

But if you are hindered by love of children, parents and wives, remember what the Lord says in the Gospel, "He that loveth father or mother more than me, is not worthy of me." "Every one that hath forsaken houses, or brethren, or sisters, or father, or mother, or wife, or children, or lands for my name's sake shall receive an hundred-fold and shall inherit everlasting life." Let none of your possessions detain you, no solicitude for your family affairs, since this land which you

inhabit, shut in on all sides by the seas and surrounded by the mountain peaks, is too narrow for your large population; nor does it abound in wealth; and it furnishes scarcely food enough for its cultivators. Hence it is that you murder and devour one another, that you wage war, and that frequently you perish by mutual wounds. Let therefore hatred depart from among you, let your quarrels end, let wars cease, and let all dissensions and controversies slumber. Enter upon the road to the Holy Sepulchre; wrest that land from the wicked race, and subject it to yourselves. That land which as the Scripture says "floweth with milk and honey," was given by God into the possession of the children of Israel.

Jerusalem is the navel of the world; the land is fruitful above others, like another paradise of delights. This the Redeemer of the human race has made illustrious by His advent, has beautified by residence, has consecrated by suffering, has redeemed by death, has glorified by burial. This royal city, therefore, situated at the centre of the world, is now held captive by His enemies, and is in subjection to those who do not know God, to the worship of the heathens. She seeks therefore and desires to be liberated, and does not cease to implore you to come to her aid. From you especially she asks succor, because, as we have already said, God has conferred upon you above all nations great glory in arms. Accordingly undertake this journey for the remission of your sins, with the assurance of the imperishable glory of the kingdom of heaven.

When Pope Urban had said these and very many similar things in his urbane discourse, he so influenced to one purpose the desires of all who were present, that they cried out, "It is the will of God! It is the will of God!" When the venerable Roman pontiff heard that, with eyes uplifted to heaven he gave thanks to God and, with his hand commanding silence, said:

Most beloved brethren, to-day is manifest in you what the Lord says in the Gospel, "Where two or three are gathered together in my name there am I in the midst of them." Unless the Lord God had been present in your spirits, all of you would not have uttered the same cry. For, although the cry issued from numerous mouths, yet the origin of the cry was one. Therefore I say to you that God, who implanted this in your breasts, has drawn it forth from you. Let this then be your war-cry in combats, because this word is given to you by God. When an armed attack is made upon the enemy, let this one

cry be raised by all the soldiers of God: It is the will of God! It is the will of God!

And we do not command or advise that the old or feeble, or those unfit for bearing arms, undertake this journey; nor ought women to set out at all, without their husbands or brothers or legal guardians. For such are more of a hindrance than aid, more of a burden than advantage. Let the rich aid the needy; and according to their wealth, let them take with them experienced soldiers. The priests and clerks of any order are not to go without the consent of their bishop; for this journey would profit them nothing if they went without permission of these. Also, it is not fitting that laymen should enter upon the pilgrimage without the blessing of their priests.

Whoever, therefore, shall determine upon this holy pilgrimage and shall make his vow to God to that effect and shall offer himself to Him as a living sacrifice, holy, acceptable unto God, shall wear the sign of the cross of the Lord on his forehead or on his breast. When, truly, having fulfilled his vow he wishes to return, let him place the cross on his back between his shoulders. Such, indeed, by the two-fold action will fulfill the precept of the Lord, as He commands in the Gospel, "He that taketh not his cross and followeth after me, is not worthy of me."

II. *THE TRUCE OF GOD.*

The Truce of God was proclaimed at Clermont, but the wording of the decree has not been preserved. Consequently, we give here, first, the Canon enacted by the Council, as reported by William of Malmesbury, and second, a Truce which was framed twelve years before and which served as a model for later enactments.

1. *The First Canon of the Council of Clermont.*

William of Malmesbury, Book IV, chap. 2. Rolls Series. Latin.

Be it enacted, that monks, clergymen, women, and those who may be with them, shall remain in peace every day; farther, on three days, viz., the second, third and fourth days of the week, an injury done to any one shall not be considered an infraction of the Peace; but on the remaining four days, if any one injures another, he shall be considered a violator of the Sacred Peace, and shall be punished in the manner decreed.

2. *The Truce of God for the Diocese of Cologne.** April 20, 1083.
M. G. LL. vol. ii (1837), pp. 55–58, left-hand columns. Reprinted from the above in Altmann and Bernheim's Ausgewählte Urkunden, etc. (Berlin, 1895), pp. 204–207, Latin.

Inasmuch as in our own times the church, through its members, has been extraordinarily afflicted by tribulations and difficulties, so that tranquility and peace were wholly despaired of, we have endeavored by God's help to aid it, suffering so many burdens and perils. And by the advice of our faithful subjects we have at length provided this remedy, so that we might to some extent re-establish, on certain days at least, the peace which, because of our sins, we could not make enduring. Accordingly we have enacted and set forth the following: having called together our parishioners to a legally summoned council, which was held at Cologne, the chief city of our province, in the Church of St. Peter, in the 1083d year of our Lord's Incarnation, in the sixth indiction, on the XII day before the Kalends of May, after arranging other business, we have caused to be read in public what we proposed to do in this matter. After this had been for some time fully discussed "pro and con" by all, it was unanimously agreed upon, both the clergy and the people consenting, and we declared in what manner and during what parts of the year it ought to be observed:

Namely, that from the first day of the Advent of our Lord through Epiphany, and from the beginning of Septuagesima to the eighth day after Pentecost and through that whole day, and throughout the year on every Sunday, Friday and Saturday, and on the fast days of the four seasons, and on the eve and the day of all the apostles, and on all days canonically set apart—or which shall in the future be set apart—for fasts or feasts, this decree of peace shall be observed; so that both those who travel and those who remain at home may enjoy security and the most entire peace, so that no one may commit murder, arson, robbery or assault, no one may injure another with a sword, club or any kind of weapon, and so that no one irritated by any wrong, from the Advent of our Lord to the eighth day after Epiphany, and from Septuagesima to the eighth day after Pentecost, may presume to carry arms,

* This document has been preserved only in the form in which the Bishop of Cologne communicated it to the Bishop of Münster. The Truce decreed by Henry IV. in 1085 is modeled upon this, and its language is in many parts the same. A translation of the latter decree can be found in Henderson's Select Historical Documents (London, 1892), pp. 208–211.

shield, sword or lance, or moreover any kind of armor. On the remaining days indeed, viz., on Sundays, Fridays, apostles' days and the vigils of the apostles, and on every day set aside, or to be set aside, for fasts or feasts, bearing arms shall be legal, but on this condition, that no injury shall be done in any way to any one. If it shall be necessary for any one in the time of the decreed peace—*i. e.*, from the Advent of our Lord to the eighth day after Epiphany, and from Septuagesima to the eighth day after Pentecost—to go from one bishopric into another in which the peace is not observed, he may bear arms, but on the condition that he shall not injure any one, except in self-defence if he is attacked; and when he returns into our diocese he shall immediately lay aside his arms. If it shall happen that any castle is besieged during the days which are included within the peace the besiegers shall cease from attack unless they are set upon by the besieged and compelled to beat the latter back.

And in order that this statute of peace should not be violated by any one rashly or with impunity, a penalty was fixed by the common consent of all; if a free man or noble violates it, *i. e.*, commits homicide or wounds any one or is at fault in any manner whatever, he shall be expelled from our territory, without any indulgence on account of the payment of money or the intercession of friends, and his heirs shall take all his property; if he holds a fief, the lord to whom it belongs shall receive it again. Moreover, if it is learned that his heirs after his expulsion have furnished him any support or aid, and if they are convicted of it, the estate shall be taken from them and given to the king. But if they wish to clear themselves of the charge against them, they shall take oath with twelve, who are equally free or equally noble. If a slave kills a man, he shall be beheaded; if he wounds a man, he shall lose a hand; if he does an injury in any other way with his fist or a club, or by striking with a stone, he shall be shorn and flogged. If, however, he is accused and wishes to prove his innocence, he shall clear himself by the ordeal of cold water, but he must himself be put into the water and no one else in his place; if, however, fearing the sentence decreed against him, he flees, he shall be under a perpetual excommunication; and if he is known to be in any place, letters shall be sent thither, in which it shall be announced to all that he is excommunicate, and that it is unlawful for any one to associate with him. In the case of boys who have not yet completed their twelfth year, the hand ought not to be cut off; but only in the case of those who are

twelve years or more of age. Nevertheless if boys fight, they shall be whipped and deterred from fighting.

It is not an infringement of the peace, if any one orders his delinquent slave, pupil, or any one in any way under his charge to be chastised with rods or cudgels. It is also an exception to this constitution of peace, if the Lord King publicly orders an expedition to attack the enemies of the kingdom or is pleased to hold a council to judge the enemies of justice. The peace is not violated if, during the time, the duke or other counts, advocates or their substitutes hold courts and inflict punishment legally on thieves, robbers and other criminals.

The statute of this imperial peace is especially enacted for the security of those engaged in feuds; but after the end of the peace, they are not to dare to rob and plunder in the villages and houses, because the laws and penalties enacted before the institution of the peace are still legally valid to restrain them from crime, moreover because robbers and highwaymen are excluded from this divine peace and indeed from any peace.

If any one attempts to oppose this pious institution and is unwilling to promise peace to God with the others or to observe it, no priest in our diocese shall presume to say a mass for him or shall take any care for his salvation; if he is sick, no Christian shall dare to visit him; on his death-bed he shall not receive the Eucharist, unless he repents. The supreme authority of the peace promised to God and commonly extolled by all will be so great that it will be observed not only in our times, but forever among our posterity, because if any one shall presume to infringe, destroy or violate it, either now or ages hence, at the end of the world, he is irrevocably excommunicated by us.

The infliction of the above mentioned penalties on the violators of the peace is not more in the power of the counts, centenaries or officials, than in that of the whole people in common; and they are to be especially careful not to show friendship or hatred or do anything contrary to justice in punishing, and not to conceal the crimes, if they can be hidden, but to bring them to light. No one is to receive money for the release of those taken in fault, or to attempt to aid the guilty by any favor of any kind, because whoever does this incurs the intolerable damnation of his soul; and all the faithful ought to remember that this peace has not been promised to men, but to God, and therefore must be observed so much the more rigidly and firmly. Wherefore we exhort all in Christ to guard inviolably this necessary contract of peace, and if

any one hereafter presumes to violate it, let him be damned by the ban of irrevocable excommunication and by the anathema of eternal perdition.

In the churches, however, and in the cemeteries of the churches, honor and reverence are to be paid to God, so that if any robber or thief flees thither, he is by no means to be killed or seized, but he is to remain there until by urgent hunger he is compelled to surrender. If any person presumes to furnish arms or food to the criminal or to aid him in flight, the same penalty shall be inflicted on him as on the criminal. Moreover, by our ban we interdict laymen from punishing the transgressions of the clergy and those living under this order; but if seized in open crime, they shall be handed over to their bishop. In cases in which laymen are to be executed, the clergy are to be degraded; in cases in which laymen are to be mutilated, the clergy are to be suspended from office, and with the consent of the laymen they are to suffer frequent fasts and floggings until they atone.

III. *PRIVILEGES OF THE CRUSADERS.*

The privileges were of gradual growth. Urban promised remission of sins, possibly more. His successors found it necessary to add great material inducements to the spiritual. As the zeal for the crusades flagged, the privileges increased. Finally when Innocent IV. preached a crusade against a Christian king, Conrad IV., he "granted a larger remission of sins than for the voyage to the Holy Land, and included the father and mother of the crusaders as beneficiaries in the assurance of heaven."

In his struggle against the heretics in Languedoc, Innocent III. made free use of his power to offer inducements to crusaders. The privileges were nearly identical with those granted for the crusades in the East, and the time of service required was only forty days. Those who had taken a vow to fight against the infidels in the Holy Land were freed from their oath on condition that they would fight against the heretics in Languedoc.

The examples given here illustrate the growth of the privileges—until they became burdensome even to those who were supposed to profit by them,—and also the manner in which the popes attempted to turn this weapon against their political enemies.

1. *Privilege granted by Urban at the Council of Clermont, 1095.*
   Labbe, Collectio magna conciliorum, vol. X., col. 507.
   William of Malmesbury in Rolls Series, Book IV, chap. II. Latin.

If any one through devotion alone, and not for the sake of honor or gain, goes to Jerusalem to free the church of God, the journey itself shall take the place of all penance.

2. *Privileges granted by Eugene III, 1146.**
Otto of Freising, Gesta Friderici, I, 35 in M. G. SS. xx, 371. Latin.

Moreover, by the authority vested by God in us, we who with paternal care provide for your safety and the needs of the church, have promised and granted to those who from a spirit of devotion have decided to enter upon and accomplish such a holy and necessary undertaking and task, that remission of sins which our predecessor Pope Urban instituted. We have also commanded that their wives and children, their property and possessions, shall be under the protection of the holy church, of ourselves, of the archbishops, bishops and other prelates of the church of God. Moreover, we ordain by our apostolic authority that until their return or death is fully proven, no law suit shall be instituted hereafter in regard to any property of which they were in peaceful possession when they took the cross.

Those who with pure hearts enter upon such a sacred journey and who are in debt shall pay no interest. And if they or others for them are bound by oath or promise to pay interest, we free them by our apostolic authority. And after they have sought aid of their relatives or lords of whom they hold their fiefs, and the latter are unable or unwilling to advance them money, we allow them freely to mortgage their lands and other possessions to churches, ecclesiastics or other Christians, and their lords shall have no redress.

Following the institution of our predecessor, and through the authority of omnipotent God and of St. Peter, prince of the Apostles—which is vested in us by God—we grant absolution and remission of sins, so that those who devoutly undertake and accomplish such a holy journey, or who die by the way, shall obtain absolution for all their sins which they confess with humble and contrite heart, and shall receive from the Remunerator of all the reward of eternal life.

Granted at Vetralle on the Kalends of December.

3. *Decree of Philip Augustus, 1188, concerning the Debts of the Crusaders.*
Rigordus: Gesta Philippi Augusti in Bouquet: Recueil, xvii, 25. Latin.

In the name of the holy and indivisible Trinity, Amen. It has

---

* The whole Bull is translated in Henderson, pp. 333–336. For date, see note in M. G. SS. l. c. and Kugler; Studien zur Geschichte des zweiten Kreuzzugs, p. 1.

been decided by lord Philip, king of the Franks, by the advice of the archbishops, bishops and barons of his land:

1. That bishops, prelates, and clerks of the conventual churches, and knights who have taken the cross, shall have a respite of two years—dating from the first feast of All Saints after the departure of the king—in paying the debts which they owed to Jews or Christians before the king took the cross; that, is on the first feast of All Saints the creditors shall have a third of the debt, and on the following feast of All Saints a second third of the debt, and on the third feast of All Saints the last third of the debt. Also, for each one, from the day on which he takes the cross, interest on debts previously contracted shall cease.

2. If a knight, who is the legitimate heir, son, or son-in-law of a knight not taking the cross, or of a widow, and who is under the jurisdiction of his father or mother, takes the cross, his father or mother shall have a respite from their debts, in accordance with the above ordinance.

3. If, however, their son or son-in-law, who has taken the cross, is no longer under their jurisdiction, or, if he is not a knight, or, if he has not taken the cross, they shall not enjoy a respite through this decree.

4. Also, within a fortnight after the next feast of St. John the Baptist, those debtors who have lands and revenues, shall through the lords in whose territory the lands are, assign the lands and revenues to their creditors; in order that from these the creditors may collect their debts at the aforesaid times and according to the aforesaid form. The lords shall not be able to prevent those assignments, unless they themselves settle with the creditor for the debt.

5. Those who do not have sufficient lands or revenues to make an assignment for their debts, shall give their creditors sureties or bail that they will pay their debts at the dates fixed. And unless they give security, as has been arranged, through assignment of lands, or sureties, or bail if they have no lands, within a fortnight after the next feast of St. John the Baptist, they shall not have the respite which is granted to others.

6. If any crusader, who is a clerk or knight, is in debt to a crusader, who is a clerk or knight, he shall have a respite from his debt until the next feast of All Saints—provided, however, that he furnishes good security for paying his debt at the time indicated.

7. If any one of those, who have taken the cross, shall have assigned to any one gold, silver, grain, or any other personal property, a week

before the Purification of the Blessed Mary or after that time, the creditor shall not be compelled to give him a respite on that account.

8. If any one buys from another, who has not taken the cross, the usufruct of his lands for one year at a fixed price, the bargain shall stand.

9. If any knight or clerk shall have mortgaged his lands or revenues to a citizen, who is also a crusader, or to a clerk or knight, who is not a crusader, or shall have assigned them for a period of years, the debtor this year shall receive the produce of the lands or the revenues; and the creditors, as a recompense for this year, shall hold the property for one year after the completion of the years for which the mortgage or assignment ought to continue. However, if the creditor shall have cultivated the mortgaged lands or vineyards, he shall have one-half the grain this year for his labor.

10. All bargains made a week before the Purification of the Blessed Virgin, or after that date, shall hold good.

11. For all debts on which he obtains a respite, the debtor must give as good security as, or better than, he had previously given. If a dispute arises about the security, the council of the lord of the creditor shall demand as good security as, or better than, before. And if the security is not fixed by that lord, it shall be fixed by the council of the prince of the land.

12. If any lord or prince under whose jurisdiction the said creditors or debtors shall be, shall not wish to observe, or shall not cause to be observed, this decree concerning the respite for debts or the assignments, he shall be warned by his metropolitan or bishop; if he shall not make amends within forty days, he may be placed by the same under a sentence of excommunication. Nevertheless, as long as the lord or prince shall be willing to prove, in the presence of his metropolitan or bishop, that in this respect he has not failed in his duty to either creditor or debtor, and that he is prepared to comply with the decree, the metropolitan or bishop shall not have the power to excommunicate him.

13. No crusader, whether clerk, knight, or any one else, shall be obliged to defend himself in a law suit, concerning the land of which he was tenant, from the day on which he takes the cross until he returns from his undertaking, unless the suit had been brought against him before he had taken the cross.

4. *Privileges granted by the Fourth Lateran Council, 1215.**
Mansi, Concilia, vol, XXII, p. 1057 sq. Latin.

Moreover, we grant to the clergy that they may retain their fiefs intact for three years as if they were resident in their churches; and if necessary, they may mortgage them for the same length of time.

In order that nothing relating to Christ's business may be neglected, we wish and command patriarchs, archbishops, bishops, abbots and others who have charge of souls, to set forth zealously to those committed to their care the word of the cross, exhorting in the name of the Father, Son and Holy Ghost,—one only, true and eternal God,—kings, dukes, princes, marquises, counts, barons and other magnates, also the communities of cities, towns and villages, who do not go in person to the aid of the Holy Land, to send a suitable number of warriors, with the necessary expenses for three years, according to their individual means, for the remission of their own sins—as is stated in our general letters, and as is also stated below, for the greater surety.

Of this remission we wish to be partakers, not only those who furnish their own vessels, but also those who may have striven to build ships for this purpose. Moreover, let it be sternly announced by apostolic authority to those who refuse—if perchance any shall be so ungrateful to our Lord God—that they are to understand that for this they will have to answer to us on the last day of the strict judgment, before an awful judge. Nevertheless, let them first consider with what conscience or what security they will be able to appear before the only begotten Son of God, Jesus Christ, into whose hands the Father gave all things, if they shall refuse in this matter, which is peculiarly fitting for them, to aid Him who was crucified for sinners, by whose bounty they live, by whose kindness they are maintained, nay, more, by whose blood they have been redeemed.

Since it is certainly right that those who give their allegiance to the heavenly Emperor should enjoy a special privilege: when the time of the expedition shall exceed one year in length, the crusaders shall be free from collections, tallages and other taxes. And we have taken their persons and property, after the assumption of the cross, under St.

---

* The whole of the decree relating to the crusade is translated in Henderson, pp. 337–344.

Peter's and our own protection, and we have decided that their defence shall be entrusted to the archbishops, bishops and all the prelates of the church. We have also appointed officers of our own especially for their protection, in order that their property may be kept intact and uninjured, until their death or return is known with certainty. And if any one attempts any attack upon their property he shall be restrained by ecclesiastical censure.

If any of those setting out thither are bound by oath to pay interest, we command that their creditors shall be compelled by the same means to release them from their oaths and to desist from the exaction of interest. But if any creditor shall compel them to pay interest, we order that he shall be forced by a similar chastisement to pay it back.

We command that the Jews, however, shall be compelled by the secular power to remit interest; and until they remit it all association of any kind with them shall be refused by all faithful Christians, under penalty of excommunication. For those, moreover, unable at present to pay their debt to the Jews, the secular princes shall provide by a useful delay, so that after they begin their journey they shall suffer no inconvenience from interest, until their death or return is known with certainty. The Jews shall be compelled, after deducting the necessary expenses, to count the income which they receive in the meantime from the mortgaged property toward the payment of the principal; since a favor of this kind which defers the payment and does not cancel the debt does not seem to cause much loss. Moreover, let the prelates of the church, who are proven to be negligent in doing justice to the crusaders and their families, understand that they shall be severely punished.

Therefore, trusting in the mercy of omnipotent God, and in the authority of the blessed apostles Peter and Paul, by that power of binding and loosing which God has conferred on us, although unworthy, we grant to all, who undergo the labor in their own person and at their own expense, full remission of the sins of which they have truly repented with contrite hearts, and which they have confessed with their mouths; and at the retribution of the just we promise an increase of eternal salvation. To those also who do not go thither in person, but yet according to their ability and means send suitable men at their expense, and to those likewise who go in person, although at the expense of others, we promise full remission of their sins. We also will and grant that, according to the kind of their aid, and the depth of their devotion, all

shall partake of this remission who minister fitly from their property to the aid of that land or furnish opportune counsel and assistance. Also on all who piously proceed in this task the universal Synod bestows in common the aid of all its benefits that it may worthily conduce to their salvation. Amen.

5. *Privileges granted for the Crusade against the Heretics in Languedoc, 1207–08.*

Regesta Inn. III, Lib. X, Ep. 149, and Lib. XI, Ep. 156–159. Latin. (The Regesta are reprinted in Migne's Patrologiæ, etc. Books X and XI are in Vol. 215.)

Since those who fight for liberty of the church ought to be fostered by the protection of the church, we, by our apostolic authority, have decided that our beloved, who in obedience to Christ are signed—or are about to be signed—against the provincial heretics, from the time that they, according to the ordinance of our legates, place on their breasts the sign of the quickening cross, to fight against the heretics, shall be under the protection of the apostolic seat and of ourselves, with their persons and lands, their possessions and men, and also all of their other property; and until full proof is obtained of their return or death all the above shall remain as they were, free and undisturbed.

The above is taken from Lib. XI, Ep. 156, written to the Archbishops, Bishops, etc., on October 11, 1208, from Ferentino. Owing to lack of space, it is not possible to print all the letters referring to the privileges. Lib. X, Ep. 149, offers remission of sins and protection to crusaders, and also grants possession of all land taken from the heretics. Lib. XI, Ep. 157, permits the clergy to mortgage their property for two years, in order to obtain money for the crusade. Lib. XI, Ep. 158, confirms some of the above privileges and frees crusaders from paying interest. Lib. XI, Ep. 159, enjoins king Philip of France to compel the Jews to remit all interest to the crusaders. Numerous other letters in the Regesta confirm one or more of the privileges mentioned.

6. *Privileges granted for a Crusade against Frederic II.*

Extract from letter of Innocent IV, Aug. 30, 1248.

Huillard-Bréholles; Hist. diplomatica Frederici Secundi, VIII. 647–8. Latin.

Wherefore we advise that publicly in Rome, Campania, and Maratima, you preach a crusade against the aforesaid Frederic; and that you also cause suitable men to preach the crusade frequently and solemnly. And by our authority grant the remission of sins,—which was granted in the General Council to those who went to the succor of

the Holy Land—to all those who with fervent zeal choose to undertake a crusade against the same Frederic, in order to aid the church in rooting out, from the aforesaid kingdom, the perfidy which flows from its diseased head to the adjacent members, and in restoring there the faith formerly cherished. And also publish solemnly, and cause others to publish, that the same Frederic and all who aid him by counsel, succor or favor, in person or property, openly or secretly, are excommunicated by us; and also that the whole kingdom of Sicily is placed under an ecclesiastical interdict, as long as it shall adhere to him.

7. *Privilege granted by Louis IX, 1270.**
Établissemens, Bk. I, 84, in Isambert: Anciennes Lois, II, 465. Old French.

If the king, or a count, or a baron, or any lord who has the right of jurisdiction in his land, arrests a clerk, or crusader, or any man of religion, even if he is a layman, the lord ought to deliver him to the holy church, whatever may be his crime. And if the clerk has committed a crime for which the penalty is death by hanging, and is not tonsured, the secular justice ought to try him. But if he is tonsured and wears the habit of a clerk, even if he is a thief, no confession, no answer that he may make, can injure him, for he is not before his regular judges; and any confession made by one who is not before his regular judges has no value, according to the law written in the Decretals, *De judiciis cap. Et si clerici* and *cap. Cum homine* [*Cum non ab homine*].†

IV. *PETER THE HERMIT.*

Two of the participants were soon singled out by popular tradition as the heroes of the first crusade. Godfrey of Bouillon was pre-eminently the representative of the warlike element, and was falsely glorified as the leader of the whole expedition. His descent was traced from "the knight of the swan," and many were the valorous deeds imputed to him. But the ascetic element was even more important than the military, and Peter the Hermit was selected as the representative of the ideal ascetic. His real deeds were obscured by the fables which clustered about his name.

It is certain that he never was in Jerusalem before the first crusade; that he did not incite Urban to preach the crusade; that he did not speak at Clermont; that his preaching was limited to a few months and a small part of France, and that he was in no way "the immediate cause of the crusade." Guibert gives the best account of

---

* For explanation of some of the points in the above, see "Benefit of Clergy" in H. C. Lea's Studies in Church History; especially pp. 206, ff. (Ed. 1883.)

† Corpus Juris Canonici, c. 4 and 10, X, II. 1.

the real Peter. The passages from William of Tyre have been translated to illustrate the fables which were common a century after the first crusade, and show the spirit to which these fables owed their rise.

1. *Guibert of Nogent's Account.*
Hist. Hieros. Bk. II, ch. viii. Recueil, IV, 142 f. Bongars, I, 482. Latin.

Therefore, while the princes, who felt the need of many expenses and great services from their attendants, made their preparations slowly and carefully; the common people who had little property, but were very numerous, joined a certain Peter the Hermit, and obeyed him as a master while these affairs were going on among us.

He was, if I am not mistaken, from the city of Amiens, and we have learned that he had lived as a hermit, dressed as a monk, somewhere in Upper Gaul. After he had departed from there—I do not know with what intention—we saw him going through the cities and towns under a pretense of preaching. He was surrounded by so great throngs of people, he received such enormous gifts, his holiness was lauded so highly, that no one within my memory has been held in such honor.

He was very liberal in the distribution to the poor of what he had received. He restored prostitutes to their husbands with gifts. By his wonderful authority he restored everywhere peace and concord, in place of discord. For in whatever he did or said it seemed as if there was something divine, especially when the hairs were snatched from his mule for relics. We do not report this as true, but for the common people who love novelties. He wore a woolen shirt, and over it a mantle reaching to his ankles; his arms and feet were bare. He lived on wine and fish; he hardly ever, or never, ate bread.

2. *William of Tyre's Account.*
Belli sacri hist. Bk. I, ch. ii, ff. Recueil, I, 32 ff. Bongars, I, 637–8. Latin.

A certain priest named Peter, from the kingdom of the Franks and the bishopric of Amiens, a hermit both in deed and name, led by the same ardor, arrived at Jerusalem. He was small in stature and his external appearance contemptible, but greater valor ruled in his slight frame. For he was sharp witted, his glance was bright and captivating, and he spoke with ease and eloquence. Having paid the tax which was exacted from all Christians who wished to enter, he went into the

city and was entertained by a trusty man who was also a confessor of Christ. He diligently questioned his host, as he was a zealous man, and learned more fully from him not only the existing perils, but also the persecutions which their ancestors had suffered long before. And if in what he heard any details were lacking, he completed the account from the witness of his own eyes. For remaining in the city and visiting the churches he learned more fully the truth of what had been told to him by others.

Hearing also that the Patriarch of the city was a devout and God-fearing man, he wished to confer with him and to learn more fully from him the truth concerning some matters. Accordingly he went to him, and having been presented by a trustworthy man, both he and the Patriarch mutually enjoyed their conferences.

The name of the Patriarch was Simeon. As he learned from Peter's conversation that the latter was prudent, able and eloquent, and a man of great experience, he began to disclose to him more confidentially all the evils which the people of God had suffered while dwelling in Jerusalem.

To whom Peter replied: "You may be assured, holy father, that if the Roman church and the princes of the West should learn from a zealous and a reliable witness the calamities which you suffer, there is not the slightest doubt that they would hasten to remedy the evil, both by words and deeds. Write them zealously both to the lord Pope and the Roman church and to the kings and princes of the West, and confirm your letter by the authority of your seal. I, truly, for the sake of the salvation of my soul, do not hesitate to undertake this task. And I am prepared under God's guidance to visit them all, to exhort them all, zealously to inform them of the greatness of your sufferings and to urge them to hasten to your relief."

Of a truth, Thou art great, O Lord our God, and to thy mercy there is no end! Of a truth, blessed Jesus, those who trust in Thee shall not be brought to confusion! How did this poor pilgrim, destitute of all resources and far from his native land, have so great confidence that he dared to undertake an enterprise so much beyond his strength and to hope to accomplish his vow, unless it was that he turned all his thoughts to Thee, his protector, and filled with charity, pitying the misfortunes of his brethren, loving his neighbor as himself, he was

content to fulfill the law? Strength is a vain thing, but charity overcometh. What his brethren prescribed might appear difficult and even impossible, but the love of God and of his neighbor rendered it easy for him, for love is strong as death. Faith which worketh by love availeth with Thee, and the good deeds near Thee do not remain without fruit. Accordingly Thou didst not permit Thy servant long to remain in doubt. Thou didst manifest Thyself to him. Thou didst fortify him by Thy revelation that he might not hesitate, and breathing into him Thy hidden spirit, Thou madest him arise with greater strength to accomplish the work of charity.

Therefore, after performing the usual prayers, taking leave of the lord Patriarch and receiving his blessing, he went to the sea-coast. There he found a vessel belonging to some merchants who were preparing to cross to Apulia. He went on board, and after a successful journey arrived at Bari. Thence he proceeded to Rome, and found the lord Pope Urban in the vicinity. He presented the letters of the Patriarch and of the Christians who dwelt at Jerusalem, and showed their misery and the abominations which the unclean races wrought in the holy places. Thus faithfully and prudently he performed the commission entrusted to him.

V. *ACCOUNT OF THE START.*

Recueil, III, 328. Bongars, I, 385. Latin.

Fulcher of Chartres took part in the first crusade, and has left us many a vivid picture of the more important incidents. His account of the start has been translated in order to show the conflict of emotions in the breasts of the crusaders, and the motive which was strong enough to overcome the natural affections.*

Such then was the immense assemblage which set out from the West. Gradually along the march, and from day to day, the army grew by the addition of other armies, coming from every direction and composed of innumerable people. Thus one saw an infinite multitude, speaking different languages and come from divers countries. All did not, however, come together into a single army until we had reached the city of Nicaea. What shall I add? The isles of the sea and the kingdoms of the whole earth were moved by God, so that one might believe fulfilled the prophecy of David, who said in the Psalm: "All

* For another account by William of Malmesbury, see Michaud: History of the Crusades (English Translation, London, 1852), III, 356.

nations whom Thou hast made shall come and worship before Thee, O Lord; and shall glorify Thy name," and that all those who reached the holy places afterwards said justly: "We will worship where His feet have stood." Concerning this journey we read very many other predictions in the prophets, which it would be tedious to recall.

Oh, how great was the grief, how deep the sighs, what weeping, what lamentations among the friends, when the husband left the wife so dear to him, his children also, and all his possessions of any kind, father, mother, brethren or kindred! And yet in spite of these floods of tears which those who remained shed for their friends about to depart, and in their very presence, the latter did not suffer their courage to fail, and, out of love for the Lord, in no way hesitated to leave all that they held most precious, believing without doubt that they would gain that hundred-fold in receiving the recompense which God has promised to those who love Him.

Then the husband announced to his wife the time of his return, assuring her that if he lived by God's grace he would return to her. He commended her to the Lord, gave her a kiss, and, weeping, promised to return. But the latter, who feared that she would never see him again, overcome with grief, was unable to stand, fell lifeless to the ground, and wept over her dear one whom she was losing in life, as if he were already dead. He then, as if he had no pity—and nevertheless he was filled with pity—and was not moved by the grief of any friends—and yet he was secretly moved—departed with a firm purpose. The sadness was for those who remained, and the joy for those who departed. What more can we say? "This is the Lord's doings, and it is marvelous in our eyes."

VI. SELECT BIBLIOGRAPHY.

This is not intended for a bibliography of the crusades, but only to aid in the use of this pamphlet.

I. GENERAL WORKS.

1. Wilken: Geschichte der Kreuzzüge. 7 vols. Leipzig, 1807–1832.

2. Michaud: Histoire des Croisades. 1st ed., Paris, 1812–1817, in 3 vols. Various later editions; the 7th, 4 vols., 1862, much improved. Also in English translation, 3 vols.

3. Kugler: Geschichte der Kreuzzüge. 1 vol. 2d edition. Berlin, 1891, in Oncken's Allgemeine Geschichte.

4. Archer and Kingsford: The Crusades. 1 vol. New York, 1895, in "The Story of the Nations" series.

The first is the most complete history of the crusades. The later volumes are still extremely valuable, and must form the basis of any comprehensive study of the period. But the volume dealing with the first crusade is of little use. Wilken relied upon the statements of William of Tyre, and consequently his account is untrustworthy.

To the second the same objection can be applied with even greater force. Michaud's history, although very readable, is not a safe guide, and shows very little critical genius.

The third is scholarly and has good bibliographical notes; it is illustrated and supplied with maps. There is, unfortunately, no index, and since 1891 there has been much excellent work on the crusades which would modify some of the statements made by Kugler.

The fourth is the best work in English, but some subjects are neglected and certain chapters are unsatisfactory.

II. THE SOURCES.

1. Recueil des historiens des Croisades. In course of publication since 1841. The historians are divided into four series. Of the Western chroniclers, five volumes have been published.
2. Bongarsius: Gesta Dei per Francos. 2 vols. Hanoviae, 1611.
3. Guizot: Collection des Mémoires relatifs a l' histoire de France. 31 vols. Paris, 1824–1835.

Each of these contains most of the chronicles mentioned in this pamphlet; the first two in the original Latin, the third in a French translation which is very imperfect.

III. WORKS ON THE FIRST CRUSADE.

1. H. von Sybel: Geschichte des ersten Kreuzzuges. 2d ed. Leipzig, 1881.
2. Hagenmeyer: Peter der Eremite. Leipzig, 1879.

The first is the best work on the first crusade. The second discusses all the questions connected with Peter the Hermit and disposes of the fables. It is rich in citations from the sources, and is of great value for the history of the first crusade. There is also a French translation.

Sybel's History and Literature of the Crusades contains four of his lectures and an analysis of the sources which still has some value. This compilation, however, is due to the translator, Lady Duff Gordon, and not to Sybel himself. Michaud's Bibliothèque des Croisades can be used only with care, but the fourth volume, containing extracts from the Arabic historians, is useful. Ducange's Glossarium, under "*Crucesignati*" should be used for the privileges of the crusaders; also H. C. Lea's History of the Inquisition, Vol. I, p. 42, ff. et passim, and especially his latest work, History of Auricular Confession and Indulgences, Vol. III.

Translations and Reprints

FROM THE

ORIGINAL SOURCES OF EUROPEAN HISTORY.

VOL. I. RESTORATION AND REACTION. 1814–20. NO. 3.

TABLE OF CONTENTS.

PAGE

I. THE FRENCH CONSTITUTIONAL CHARTER OF 1814, ... 2

II. THE TEXT OF THE HOLY ALLIANCE, ... 9

III. THE GERMAN ACT OF CONFEDERATION, (1815.) 11

IV. ANTI-REVOLUTIONARY LEGISLATION BASED UPON THE CARLSBAD RESOLUTIONS.

1. Decree relating to the Universities, ... 16

2. Press Laws, ... 18

3. Committee of Investigation, ... 19

V. THE CIRCULAR OF TROPPAU, ... 22

Note:—The best general treatments in English of this period are probably: C. M. ANDREWS, "The Historical Development of Modern Europe", Vol. I. (Putnam's) and FYFFE, "History of Modern Europe," Vol. II. (Henry Holt & Co.) SYBEL'S important work, "The Founding of the German Empire," contains a short but most excellent account of German affairs. See especially I, pp. 37–68 of the English version.

I. *CONSTITUTIONAL CHARTER.*

JUNE 4–10, 1814.

From Tripier : Constitutions qui ont régi la France, 229 ff.

The constitution which Louis XVIII granted to France upon the restoration of the Bourbon dynasty in 1814 is important from two points of view. In the first place it furnishes us a moderate expression of the permanent results of the revolutionary period. Its concessions measure the space which separates the times of Louis XVI from those of his brother Louis XVIII. In this respect the preamble and the bill of rights are of especial interest. Secondly, no other constitution has ever served France for so long a period. The Charter, although somewhat modified in 1830 upon the accession of Louis Philippe, was maintained until 1848.

Louis by the grace of God, King of France and Navarre—to all those to whom these presents come, salutation. Divine Providence in recalling us to our estates after a long absence has imposed grave responsibilities upon us. Peace was the first necessity of our subjects, and we have unceasingly occupied ourselves with this. That peace so essential to France and to the rest of Europe has been signed. A constitutional charter was demanded by the existing condition of the Kingdom, we promised this and now publish it. We have taken into consideration the fact that although the whole authority in France resides in the person of the king, our predecessors have not hesitated to modify the exercise of this in accordance with the differences of the times. It was thus that the communes owed their enfranchisement to Louis the Fat, the confirmation and extension of their rights to Saint Louis and Philip the Fair, and that the judicial system was established and developed by the laws of Louis XI, Henry II and Charles IX. It was in this way finally that Louis XIV regulated almost every portion of the public administration by various ordinances which have never been surpassed in wisdom. We, like the kings our predecessors, have had to consider the effects of the ever increasing progress of knowledge, the new relations which this progress has introduced into society, the direction given to the public mind during half a century and the serious troubles resulting therefrom. We have perceived that the wish of our subjects for a constitutional charter was the expression of a real need, but in yielding to this wish we have taken every precaution that this charter should be worthy of us and of the people whom we are proud to rule. Able men taken from the first bodies of the state were added to the commissioners of our council to elaborate this important work. While we recognize that the expectations of enlightened Europe ought to be gratified by a free monarchical constitution, we have had to remember that our first duty toward our peoples was to preserve for their own interest the rights

and prerogatives of our crown. We hope that, taught by experience, they may be convinced that the supreme authority can alone give to institutions which it establishes the power, permanence and dignity with which it is itself clothed. That, consequently, when the wisdom of kings freely harmonizes with the wish of the peoples, a constitutional charter may long endure, but that when concessions are snatched with violence from a weak government, public liberty is not less endangered than the throne itself.

We have sought the principles of the constitutional charter in the French character and in the venerable monuments of past centuries. Thus we perceived in the revival of the peerage a truly national institution which binds memories to hope, by uniting ancient and modern times. We have replaced by the chamber of deputies, those ancient assemblies of the March Field and May Field, and those chambers of the third estate which so often exhibited at once proof of their zeal for the interests of the people, and fidelity and respect for the authority of kings. In thus endeavoring to renew the chain of time which fatal excesses had broken, we effaced from our memory, as we would we might blot out from history, all the evils which have afflicted the country during our absence. Happy to find ourselves again in the bosom of our great family, we could only respond to the love of which we receive so many testimonies by uttering words of peace and consolation. The dearest wish of our heart is that all the French may live like brothers, and that no bitter memory should ever trouble the security which ought to follow the solemn act which we grant them to-day.

Confident in our intentions, strong in our conscience, we engage ourselves before the assembly which listens to us to be faithful to this Constitutional Charter, with the intention of swearing to maintain it with added solemnty before the altars of Him who weighs in the same balance kings and nations.

For these reasons we have voluntarily and by the free exercise of our royal authority granted and do grant, concede and accord, as well for us as for our successors forever, the Constitutional Charter as follows:

PUBLIC RIGHTS OF THE FRENCH.

ARTICLE 1. The French are equal before the law, whatever may be their title or rank.

2. They contribute without distinction to the impositions of the State in proportion to their fortune.

3. They are all equally eligible to civil and military positions.

4. Their personal liberty is likewise guaranteed. No one can be prosecuted or arrested except in the cases and in the manner prescribed by law.

5. All may with equal liberty make profession of their religion and enjoy the same protection for their form of worship.

6. Nevertheless the Roman Catholic and Apostolic religion is the religion of the State.

7. The ministers of the Roman Catholic and Apostolic religion and those of other Christian forms of worship only receive subsidies from the royal treasury.

8. The French have the right to publish and cause their opinions to be printed, if they conform to the laws destined to check the abuse of this liberty.

9. All property is inviolable, that known as *national* property forming no exception, the law recognizing no difference between that and other property.

10. The State may demand the surrender of property in the cause of the public interest when this is legally certified, but only with previous indemnification.

11. All investigation of opinions expressed or of votes cast previous to the Restoration is prohibited. Oblivion of these is imposed upon the courts and citizens alike.

12. The conscription is abolished. The method of recruiting both for the army and the navy shall be determined by law.

FORM OF THE GOVERNMENT OF THE KING.

13. The person of the King is inviolable and sacred. His ministers are responsible. In the King alone is vested the executive power.

14. The King is the supreme head of the State, he has command of the land and naval forces, declares war, concludes treaties of peace, alliance and commerce, appoints all the officials of the public administration and issues the regulations and ordinances necessary for the execution of the laws and the safety of the State.

15. The legislative power is exercised jointly by the King, the Chamber of Peers and the Chamber of Deputies of the Departments.

16. The right of initiating legislation belongs to the King.

17. Proposed laws are submitted, at the option of the King, either to the Chamber of Peers or to the Chamber of Deputies, except laws for raising taxes, which must be submitted to the Chamber of Deputies first.

18. Exery law must be discussed and passed freely by a majority of each of the two houses.

19. The chambers have the right to petition the King to submit a law relating to any subject and to indicate what they deem the law should contain.

20. Such a request may be made by either of the two chambers, but only after the subject has been discussed in secret committee. But the request shall not be submitted to the other chamber by the one in which it originates until the expiration of ten days.

21. If the proposition is adopted by the other chamber it shall be laid before the King ; if it is rejected it shall not be again presented during the same session.

22. The King sanctions and promulgates the laws.

23. The civil list is fixed for the duration of the reign by the first Parliament meeting after the accession of the King.

THE CHAMBER OF PEERS.

24. The Chamber of Peers forms an essential portion of the legislative power.

25. It is to be convoked by the King simultaneously with the Chamber of Deputies of the Departments. The sessions of both open and close at the same time.

26. Every meeting of the Chamber of Peers which shall be held when the Chamber of Deputies is not in session or which is not ordered by the King is illegal and *ipso facto* void.

27. The selection of the Peers of France belongs to the King. Their number is unrestricted. The King may vary the dignities conferred upon the Peers, whom he may appoint for life or to whom he may grant hereditary titles.

28. The Peers are admitted to the chamber upon reaching the age of twenty-five years, and at the age of thirty they may vote.

29. The Chamber of Peers is presided over by the Chancellor of France and in his absence by a peer appointed by the King.

30. The members of the royal family and the princes of the blood are peers by right of birth. They sit next to the president, but may not vote until they reach the age of twenty-five.

31. The princes may not take their places in the chamber except at the King's command, contained in a message at each session, on pain of rendering null and void everything which may be done in their presence.

32. All proceedings of the Chamber of Peers are secret.

33. The Chamber of Peers takes cognizance of the crime of high

treason and of attempts against the security of the State, which shall be defined by law.

34. No peer shall be arrested except by authority of the Chamber of Peers or shall be judged except by this body, in criminal matters.

THE CHAMBER OF DEPUTIES OF THE DEPARTMENTS.

35. The Chamber of Deputies shall be formed of deputies chosen by the electoral colleges, the organization of which shall be determined by law.

36. Each department shall have the same number of deputies as it has had up to the present time.

37. The deputies shall be elected for five years and in such a way as to have one-fifth of the chamber retire each year.

38. No deputy may be a member of the chamber who is not forty years of age, and who does not pay a direct tax to the amount of one thousand francs.

39. If, however, there shall not be found in the department fifty persons of the age indicated, paying at least one thousand francs in direct taxes, their number shall be completed by adding those paying the largest amount of direct taxes below one thousand francs. These latter may be elected on the same footing as the first.

40. The electors participating in the choice of deputies can only exercise the right of suffrage if they pay direct taxes to the amount of three hundred francs and are at least thirty years of age.

41. The presidents of the electoral colleges shall be appointed by the King and are of right members of the colleges.

42. The half at least of the deputies shall be elected from the eligible candidates who are legally resident in the department.

43. The president of the Chamber of Deputies is appointed by the King from a list of five members nominated by the chamber.

44. The sessions of the chamber are public, but upon the demand of five members it shall constitute itself a secret committee.

45. The chamber is divided into committees for the discussion of the bills laid before it by the King.

46. No amendment can be made to a law unless it has been proposed by the King and referred to and discussed by the committees.

47. All plans of taxation are to be submitted to the Chamber of Deputies and only after such bills have been approved by this chamber shall they be carried to the Chamber of Peers.

48. No tax may be established or collected unless it has been granted by the two chambers and sanctioned by the King.

49. The land tax shall be granted only for a year. Indirect taxes may be established for several years.

50. The King convokes the two chambers every year; he may prorogue them and may dissolve that of the Deputies of the Departments, but in this case he must convoke a new chamber within three months.

51. No member of the chamber may be arrested during the session nor during the six weeks preceding or following it.

52. No member of the chamber may be prosecuted or arrested during the session for criminal offence, except when taken in the act, without the permission of the chamber.

53. All petitions to either of the chambers shall be drawn up and presented only in writing. It is forbidden by law to present a petition in person at the bar of the house.

THE MINISTERS.

54. The ministers may be members of the Chamber of Peers or of the Chamber of Deputies. They have, moreover, access to both chambers, and must be heard when they request it.

55. The Chamber of Deputies has the right to impeach the ministers, and bring them before the Chamber of Peers, which alone has the right to judge them.

56. They can only be impeached for acts of treason or for peculation. Special laws shall define this class of misdemeanors, and prescribe the mode of prosecution.

THE JUDICIARY.

57. All justice emanates from the King and shall be administered in his name by judges appointed and commissioned by him.

58. The judges appointed by the King are irremovable.

59. The existing courts and ordinary tribunals shall be retained. They shall in no way be modified except in virtue of a law.

60. The existing institution of commercial judges shall be retained.

61. The system of *justice de paix* shall also be retained. The justices of the peace are not, however, irremovable, although they are appointed by the King.

62. No one shall be deprived of his natural judges.

63. Consequently no extraordinary commissions or tribunals shall be created. The *juridictions prévôtales* are not, however, included

under this head and may be reestablished if it is deemed necessary.

64. Proceedings in criminal cases shall be public so far as such publicity shall not threaten the public order or morality. In such cases the courts shall decide and their decisions shall take the form of a judgment.

65. The system of juries shall be retained. Such changes as larger experience may show to be necessary can only be made by law.

66. The penalty of confiscation of goods is abolished and may not be reestablished.

67. The King has power to grant pardons and commute punishments.

68. The Civil Code and the laws at present existing which are not contrary to the present Charter shall remain in force until they are legally abrogated.

SPECIAL RIGHTS GUARANTEED BY THE STATE.

69. Members of the army in active service, retired officers and soldiers, the widows of former members of the army, as well as pensioned officers and soldiers shall retain their rank, dignities and pensions.

70. The public debt is guaranteed. All kinds of engagements entered into by the State with its creditors are inviolable.

71. The former nobility shall resume its titles. The new nobility shall retain theirs. The King may create nobles at will, but he shall grant them only rank and dignities without any exemption from the burdens or duties of society.

72. The Legion of Honor shall be maintained. The King is to determine upon the internal rules and the decorations.

73. The colonies shall be governed by special laws and regulations.

74. The King and his successors shall swear at the celebration of their coronation faithfully to observe the present Constitutional Charter.

TEMPORARY ARTICLES

75. The Deputies of the Departments of France who have sat in the Legislative Body since the last adjournment shall continue to sit in the Chamber of Deputies until its re-election.

76. The first renewal of a fifth of the Chamber of Deputies shall at latest take place in the year 1816, according to the order of retirement.

We order that the present Constitutional Charter, submitted to the Senate and Legislative Body in conformity with our proclamation of May 2, shall be sent immediately to the Chamber of Peers and to that of the Deputies.

II. *THE HOLY ALLIANCE.*

SIGNED AT PARIS, SEPTEMBER $\frac{14}{26}$, 1815.

From Martens: Nouveau Recueil de Traités II, 656-8.

The text of the famous Holy Alliance, drawn up at the instigation of Alexander I of Russia, is given in view not so much of its inherent importance as of the weight mistakenly attributed to it. It has been erroneously regarded as the bond of union between the conservative powers in their struggle against liberal ideas. Several years of reaction were, however, necessary to the development of the definite system of intervention in the affairs of other states announced in the circular of Troppau (see p. 22.)

In the Name of the very Holy and Indivisible Trinity.

Their majesties, the Emperor of Austria, the King of Prussia and the Emperor of Russia, in view of the great events which the last three years have brought to pass in Europe and in view especially of the benefits which it has pleased Divine Providence to confer upon those states whose governments have placed their confidence and their hope in Him alone, having reached the profound conviction that the policy of the powers, in their mutual relations, ought to be guided by the sublime truths taught by the eternal religion of God our Saviour, solemnly declare that the present act has no other aim than to manifest to the world their unchangable determination to adopt no other rule of conduct, either in the government of their respective countries or in their political relations with other governments, than the precepts of that holy religion, the precepts of justice, charity and peace. These, far from being applicable exclusively to private life, ought on the contrary directly to control the resolutions of princes and to guide their steps as the sole means of establishing human institutions and of remedying their imperfections. Hence their majesties have agreed upon the following articles:

ARTICLE I.—Conformably to the words of Holy Scripture which command all men to look upon each other as brothers, the three contracting monarchs will continue united by the bonds of a true and indissoluble fraternity, and regarding themselves as compatriots, they will lend aid and assistance to each other on all occasions and in all places, viewing themselves, in their relations to their subjects and to their armies, as fathers of families, they will direct them in that spirit of fraternity by which they are animated, for the protection of religion, peace and justice.

ARTICLE II.—Hence the sole principle of conduct, be it between the said governments or their subjects, shall be that of rendering mutual

service, and testifying by unceasing good-will, the mutual affection with which they should be animated. Considering themselves all as members of one great Christian nation, the three allied princes look upon themselves as delegates of Providence called upon to govern three branches of the same family, viz: Austria, Russia and Prussia. They thus confess that the Christian nation, of which they and their people form a part, has in reality no other sovereign than He alone to whom belongs by right the power, for in Him alone are to be found all the treasures of love, of knowledge and of infinite wisdom, that is to say God, our Divine Saviour, Jesus Christ, the word of the most High, the word of life. Their majesties recommend, therefore, to their peoples, as the sole means of enjoying that peace which springs from a good conscience and is alone enduring, to fortify themselves each day in the principles and practice of those duties which the Divine Saviour has taught to men.

ARTICLE III.—All those powers who wish solemnly to make avowal of the sacred principles which have dictated the present act, and who would recognize how important it is to the happiness of nations, too long agitated, that these truths should hereafter exercise upon human destiny all the influence belonging to them, shall be received into this Holy Alliance with as much cordiality as affection.

Engrossed in three copies and signed at Paris, year of grace 1815, September $\frac{14}{26}$.

Signed { FRANCIS, FREDERICK WILLIAM, ALEXANDER,

III. *THE GERMAN ACT OF CONFEDERATION.*

OF THE EIGHTH OF JUNE, 1815.

From P. A. G. von Meyer, Corpus Juris Confœderationis Germanicæ, 2nd edition, II, pp. 3 ff.

The Act of Confederation formed the Constitution of Germany for half a century (1815–1866(. It was drawn up at the Congress of Vienna, where Prussia's plan of a firm union was successfully opposed by Austria, with the support of the Middle States of Germany. The tendencies of the two great powers, Austria and Prussia, were at variance throughout and the inevitable rivalry between them forms the key to German history until the final expulsion of Austria from the union in 1866. Metternich's ideal of an international union of sovereign princes under the leadership of Austria was practically realized. "Judged by the requirements of a practical political organization this German Act of Confederation, produced with so much effort, possessed about all the faults that can render a constitution utterly useless" (Sybel). An attempt was made to develop the meaning of certain clauses of this document in 1820. This resulted in the so-called Final Act of Vienna (Wiener Schluss-Acte) which may be regarded as upon practically the same footing as the primary act of 1815.

In the Name of the most Holy and Indivisible Trinity.

The Sovereign Princes and Free Towns of Germany animated by the common desire to carry into effect Article VI of the Peace of Paris of May 30, 1814, and convinced of the advantages which would result for the security and independence of Germany and to the repose and equilibrium of Europe from a firm and lasting union, have agreed to unite themselves in a perpetual Confederation, and have for this purpose invested their envoys and deputies at the Congress of Vienna with full powers, viz:

His Imperial and Royal Apostolic Majesty; the Sieur Clement Wenceslas, Prince of Metternich-Winneburg-Ochsenhausen, knight of the Golden Fleece, Grand Cross of the Royal Order of St. Stephen of Hungary, Knight of the Order of St. Andrew, of the order of St. Alexander Newsky and of St. Anne of the First Class. Grand Cordon of the Legion of Honor; Knight of the Order of the Elephant, of the Order of the Annunciation, of the Black Eagle, and of the Red Eagle, of the Seraphim, of St. Joseph of Tuscany, of St. Hubert, of the Golden Eagle of Wurtemberg, of the Fidelity of Baden, of St. John of Jerusalem, and of several others; Chancellor of the Military Order of Maria Theresa; Curator of the Imperial and Royal Academy of Fine Arts; Chamberlain and Active Privy Councillor of his Majesty the Emperor of Austria and King of Hungary and Bohemia; his Majesty's Minister of State and of Conferences, as well as Minister of Foreign

Affairs and First Plenipotentiary at the Congress,—and the Sieur John Philip, Baron of Wessenberg; Grand Cross of the Royal Sardinian Order of St. Mauritus and St. Lazarus, and of the Royal Order of the Crown of Bavaria, etc.; Chamberlain and Active Privy Councillor of his Imperial and Royal Apostolic Majesty, and his Majesty's second Plenipotentiary at the Congress.

His Royal Majesty of Prussia; the Prince Hardenberg, his Chancellor of State. . . . . .[1]

GENERAL PROVISIONS.

ARTICLE I.—The Sovereign Princes and Free Towns of Germany, including their Majesties the Emperor of Austria and the Kings of Prussia, of Denmark, and of the Netherlands; to wit, the Emperor of Austria and the King of Prussia for all of their possessions formerly belonging to the German Empire;[2] the King of Denmark for Holstein, and the King of the Netherlands for the Grand Duchy of Luxemburg, unite in a perpetual union which shall be called The German Confederation.

ARTICLE II.—The aim of the same shall be the maintenance of the external and internal safety of Germany and of the independence and inviolability of the individual German States.

ARTICLE III.—All members of the Union have, as such, equal rights. They all engage alike to maintain inviolate the Act of Confederation.

ARTICLE IV.—The affairs of the Confederation shall be confided to a Diet of the Confederation, in which all members of the Union shall vote through their plenipotentiaries, either individually or collectively, in the following manner without prejudice to their rank:

1.	Austria	1 vote.
2.	Prussia	1 "
3.	Bavaria	1 "
4.	Saxony	1 "
5.	Hanover	1 "
6.	Würtemberg	1 "
7.	Baden	1 "
8.	Electoral Hesse	1 "
9.	Grand Duchy of Hesse	1 "
10.	Denmark, for Holstein	1 "

[1] It has not been deemed necessary to give the names of all the plenipotentiaries. All the States enumerated in Article IV were represented at the Congress.

[2] Holy Roman Empire.

11.	The Netherlands, for the Grand Duchy of Luxemburg . . .	1 vote.
12.	The Grand Ducal and Ducal Houses of Saxony	1 "
13.	Brunswick and Nassau	1 "
14.	Mecklenburg-Schwerin and Mecklenburg-Strelitz	1 "
15.	Holstein-Oldenburg, Anhalt and Schwartzburg	1 "
16.	Hohenzollern, Liechtenstein, Reuss, Schaumburg-Lippe, Lippe and Waldeck	1 "
17.	The Free Towns, Lübeck, Frankfurt, Bremen and Hamburg	1 "
	Total votes	17

ARTICLE V.—Austria shall preside in the Diet of the Confederation. Each member of the Union has the right to make and support propositions, and the presiding State is bound within a determined period to bring them under deliberation.

ARTICLE. VI.—Whenever fundamental laws of the Confederation are to be enacted or amended or measures are to he adopted relative to the Act of Confederation itself or organic institutions of the Confederation, or other arrrangements of common interest are under consideration the Diet shall form itself into a General Assembly (*Plenum*) in which the distribution of the votes, based upon the respective extent of the individual States of the Union, has been arranged as follows:

	Shall have		Shall have
1. Austria	4 votes	20. Mecklenburg-Strelitz	1 vote
2. Prussia	4 "	21. Holstein-Oldenburg	1 "
3. Saxony	4 "	22. Anhalt-Dessau	1 "
4. Bavaria	4 "	23. Anhalt-Bernburg	1 "
5. Hanover	4 "	24. Anhalt-Cöthen	1 "
6. Würtemberg	4 "	25. Schwarzburg-Sonderhausen .	1 "
7. Baden	3 "	26. Schwarzburg-Rudolstadt . . .	1 "
8. Electoral Hesse	3 "	27. Hohenzollern-Hechingen . .	1 "
9. Grand Duchy of Hesse .	3 "	28. Liechtenstein	1 "
10. Holstein	3 "	29. Hohenzollern-Sigmaringen .	1 "
11. Luxemburg	3 "	30. Waldeck	1 "
12. Brunswick	2 "	31. Reuss, Elder Branch	1 "
13. Mecklenburg-Schwerin . .	2 "	32. Reuss, Younger Branch . . .	1 "
14. Nassau	2 "	33. Schaumberg-Lippe	1 "
15. Saxe-Weimar.	1 "	34. Lippe	1 "
16. Saxe-Gotha	1 "	35. The Free Town Lübeck . . .	1 "
17. Saxe-Coburg	1 "	36. The Free Town Frankfurt . .	1 "
18. Saxe-Meiningen	1 "	37. The Free Town Bremen . . .	1 "
19. Saxe-Hildburghausen . . .	1 "	38. The Free Town Hamburg . .	1 "
Total votes			69

The Diet of the Confederation in deliberating on the Organic Laws of the Union shall take into consideration whether the mediatized estates

of the former empire shall be granted any collective votes in the *Plenum*.

ARTICLE VII.—The question whether a given subject ought, according to the above provisions, to be considered in the *Plenum*, shall be decided by vote in the Ordinary Assembly (*Engerer Rath*).

Drafts of Resolutions which are to be submitted to the *Plenum* shall be prepared in the Ordinary Assembly, which shall supply all the information necessary for their acceptance or rejection by the *Plenum*. The vote of the majority shall regulate the decisions, both in the Ordinary Assembly and in the *Plenum*, with the difference, however, that in the Ordinary Assembly a simple majority shall be deemed sufficient for the passage of a measure while in the *Plenum* a majority of two-thirds shall be necessary.

In case of a tie in the Ordinary Assembly, the presiding state shall cast the deciding vote.

When however, the deliberations of the Diet shall relate to the adoption or amendment of the fundamental laws, to the organic institutions of the Confederation, to individual rights (*jura singulorum*) or to matters of religion, the vote of the majority shall not be deemed sufficient either in the *Plenum* or in the Ordinary Assembly, for the passage of a measure. The Diet of the Confederation is permanent, but may, when the business submitted to its deliberations is terminated, adjourn for a definite period, not to exceed four months. The detailed regulations relating to adjournment and to the disposal of pressing affairs which may arise during the recess shall be determined by the Diet, itself, when it shall draw up the Organic Laws.

ARTICLE VIII.—In regard to the order in which the members of the Confederation shall vote, it is determined that so long as the Diet of the Confederation shall be occupied with the formulation of the organic Laws there shall be no fixed rule, and the order which shall be adopted shall in no way be prejudicial to any member or serve as a precedent. When the Organic Laws shall have been drawn up, the diet of the Confederation shall take into consideration the future permanent order of voting to be adopted. In so doing, they shall deviate as little as possible from the regulations of the former Diet, especially as based upon the provisions of the Decree of the Imperial Commission of 1803.

But this order of voting shall exercise no influence upon the rank of the members of the union or their order of precedence, except so far as the diet is concerned.

ARTICLE IX.—The Diet of the Confederation shall sit at Frankfort on the Main. The first meeting is fixed for the first of September 1815.

ARTICLE X.—The first business of the Diet of the Confederation after its opening shall be the drawing up of the fundamental laws of the Union and of its organic institutions connected with the foreign military and internal arrangements.

ARTICLE XI.—All members of the Confederation pledge themselves to protect Germany as a whole, as well as every single confederated state against attack, and mutually guarantee their entire possessions, so far as those are included within the confederation.

When war is once declared on the part of the Confederation no member shall negotiate separately with the enemy nor conclude an armistice or make peace.

ARTICLE XII.—The members of the Confederation reserve to themselves the right of forming alliances of all kinds. They pledge themselves, however, to contract no engagement which shall be directed against the safety of the Confederation or that of any individual state within the Union.

The members of the Confederation pledge themselves likewise not to make war among themselves upon any pretence, nor to follow up their contentions with force but to submit these to the Diet. It shall devolve upon this body to attempt arbitration by means of a commission. Should this fail and a judicial decision become necessary the same shall be effected through a well organized court of arbitration (*Austragal-Instanz*) to the decision of which the conflicting parties shall forthwith submit.

SPECIAL PROVISIONS

In addition to the matters settled in the preceding articles, relating to the establishment of the Confederation, the members of the Union agreed upon the provisions contained in the following articles, with regard to the subjects mentioned below, which articles shall have the same force as the preceding ones.

ARTICLE XII.[1]—. . . . . .

---

[1]The Articles of this second part are omitted as having little interest. Only the first part or "general provisions" were included in the Act of Congress of Vienna, forming Articles LIII–LXIII of that document. Article LXIV, however, provided that the "special provisions." which were to be appended to the Act itself, were to have the same force as if actually inserted there. The most important of the special provisions and one which later caused much discussion was Article XIII which read "A CONSTITUTION BASED UPON THE SYSTEM OF ESTATES SHALL BE ESTABLISHED (*statt finden*) IN ALL THE STATES OE THE UNION."

IV. *DECREES BASED UPON THE RESOLUTIONS OF CARLSBAD.*

From P. A. G. von Meyer, Corpus Juris Confœderationis Germanicæ, 2nd edition, II, 138 ff.

The extreme phase in the spirit of reaction was reached in Germany when the laws here given were enacted by the Diet. Using the murder of Kotzebue as a pretense, Metternich called a conference of the larger states of the confederation at Carlsbad (Bohemia) in August 1819. Here a series of resolutions were drawn up with the aim of checking the free expression of opinions hostile to existing institutions and of discovering and bringing to justice conspirators, who were supposed to exist in dangerous numbers. These "Carlsbad Resolutions" were laid before the Diet with a communication on the part of Austria, urgently advocating their ratification. In spite of the much exaggerated danger and of great pressure the approval of all the plenipotentiaries was scarcely obtained even formally, and a number signed a protest against the proceedings, which was, however, kept secret.

PROVISIONAL DECREE RELATING TO THE UNIVERSITIES, UNANIMOUSLY ADOPTED SEPTEMBER 20, 1819.

Decreed that, with a view to the fundamental improvement of the whole system of schools and universities a series of provisional measures shall, pending further deliberations of the Diet, be adopted without delay, for remedying the defects of the same. For this purpose the draft in question shall be adopted. This law of the Confederation shall, in accordance with its provisions, go into force immediately in all the states of the Union.

§ 1. A special representative of the ruler of each state shall be appointed for each university with appropriate instructions and extended powers, and who shall reside in the place where the university is situated. This office may divolve upon the existing Curator or upon any other individual whom the government may deem qualified.

The function of this agent shall be to see to the strictest enforcement of existing laws and disciplinary regulations; to observe carefully the spirit which is shown by the instructors in the university in their public lectures and regular courses, and, without directly interfering in scientific matters or in the methods of teaching, to give a salutary direction to the instruction, having in view the future attitude of the students. Lastly, they shall devote unceasing attention to everything that may promote morality, good order and outward propriety among the students.

The relation of these special agents to the Senate of the university, as well as all details relating to the extent of their duties and to their manner of action, shall be included in the instructions furnished by the

superior government officials. These instructions shall be as precise as the circumstances which have dictated the appointment of the agents in question shall permit.

§ 2. The confederated governments mutually pledge themselves to remove from the universities or other public educational institutions all teachers who, by obvious deviation from their duty or by exceeding the limits of their functions, or by the abuse of their legitimate influence over the youthful minds, or by propagating harmful doctrines hostile to public order or subversive of existing governmental institutions, shall have unmistakably proved their unfitness for the important office intrusted to them, No obstacle whatever shall prevent the execution of this provision so long as it shall remain in force and until such time as this matter shall be definitely regulated, Removals of this character shall however, never be made except upon the recommendation, accompanied with full reasons, of the aforesaid special agent of the government at the university or in view of a report previously required from him.

No teacher who shall have been removed in this manner shall be again appointed to a position in any public institution of learning in another state of the Union.

§ 3. Those laws which have for a long period been directed against secret and unauthorized societies in the universities, shall be strictly enforced. These laws apply especially to that association established some years since under the name Universal Students' Union (*Allgemeine Burschenschaft*), since the very conception of the society implies the utterly unallowable plan of permanent fellowship and constant communication between the various universities. The duty of especial watchfulness in this matter should be impressed upon the special agents of the government.

The governments mutually agree that such persons as shall, after the publication of the present decree, be shown to have remained in secret or unauthorized associations or shall have entered such associations, shall not be admitted to any public office.

§ 4. No student, who shall be expelled from a university by a decision of the University Senate, which was ratified or prompted by the agent of the government, or who shall have left the institution in order to escape expulsion, shall be received in any other university. Nor, in general, shall any student be admitted to another university without a satisfactory certificate of his good conduct at the university he has left.

PRESS LAWS FOR FIVE YEARS.[1]

§ 1. So long as this decree shall remain in force no publication which appears in the form of daily issues or as a serial not exceeding twenty sheets of printed matter shall go to press in any state of the Union without the previous knowledge and approval of the state officials.

Writings which do not belong to one of the above-mentioned classes shall be treated according to the laws now in force or which may be enacted in the individual states of the Union. If such publications shall, however, give rise to a complaint upon the part of any state of the Union, proceedings against the author or publisher of the obnoxious publication shall be conducted in the name of the government to which the complaint was directed and with the forms prevailing in the several states of the Union.

§ 2. The details of means and provisions necessary for the enforcement of this decree shall be left to the several governments. These must, however, be of such a character as fully to carry out the purpose and aim of the main provisions of Section 1.

§ 3. Since the present decree has been called forth by the necessity which is recognized under the existing circumstances by the confederated governments, of preventitive measures against the abuse of the press, the existing laws aiming at the judicial prosecution and punishment of offences actually committed in the way of publication, shall uot, so long as this decree remains in force, be deemed sufficient in any state of the Union, in so far as their provisions relate to the classes of publication mentioned in Section 1.

§ 4. Each state of the Union is responsible not only to the state against which the offence is directly committed, but to the whole Confederation for every publication appearing under its supervision (and consequently for all publications included in Section 1) in which the honor or security of other states is infringed or their constitution or administration attacked.

§ 5.[2] . . . .

---

[1]The enacting clause, similar to that given at the beginning of the preceding decree is omitted here as well as in the succeeding decree.

[2]Section 5 and the opening of Section 6 provide for an amicable adjustment between the states of grievances in the matter of publications. Where this fails recourse may be had to the Diet, which, if it thinks best, may suppress the offending publications.

§ 6. . . , . The Diet shall have the right, moreover, to suppress on its own authority, without being petitioned, such writings included in Section 1, in whatever German state they may appear, as in the opinion of a commission appointed by it, are inimical to the honor of the Union, the safety of individual states or the maintenance of peace and quiet in Germany. There shall be no appeal from such decisions and the governments involved are bound to see that they are put into execution.

§ 7. When a newspaper or periodical is suppressed by a decision of the Diet the editor thereof may not, within a period of five years, edit a similar publication in any state of the Union. The writers, publishers and dealers in publications included in Section 1 shall be free from all further responsibility if they have complied with the requirements of this decree. The decisions of the Diet provided for in Section 6 shall be directed exclusively against publications, never against persons.

§ 8, 9.[1]

§ 10. The present provisional decree shall remain in force during a period of five years from this day. Before the expiration of this period the Diet shall take into careful consideration in what manner measures may best be taken for establishing the uniform regulations mentioned in Article 18 of the Act of Confederation in regard to the freedom of the press, and thus secure a permanent law fixing the proper limits of the freedom of the press in Germany.

ESTABLISHMENT OF AN INVESTIGATING COMMITTEE AT MAINZ.

ARTICLE 1. Within a fortnight, reckoned from the passage of this decree, there shall convene, under the auspices of the Confederation, in the city and federal fortress of Mainz, an Extraordinary Commission of Investigation to consist of seven members including the chairman.

ARTICLE II. The object of the Commission shall be a joint investigation, as thorough and extensive as possible, of the facts relating to the origin and manifold ramifications of the revolutionary plots and demagogical associations directed against the existing Constitution and internal peace both of the Union and of the individual states: of the

---

[1] Section 8 provides that the States shall inform the Diet of the measures they have taken. Section 9 orders that all publications shall indicate the name of the publisher and that newspapers and periodicals must give the name of the editor as well.

existence of which plots more or less clear evidence is to be had already, or may be produced in the course of the investigation.

ARTICLE III. The Diet shall choose in the General Assembly, by the vote of a simple majority, the seven members of the Union, which shall in turn appoint the members of the Central Commission of Investigation. The seven commissioners appointed by the members of the Union shall, upon coming together, elect their chairman from their own number.

ARTICLE IV. Only state officials may be appointed members of the Central Commission of Investigation who hold or have held a judicial office in the state which appoints them, or who have already undertaken important investigations. Each commissioner shall have a secretary named by his government in his commission. These secretaries shall as a body form the personnel of the secretariate.

The chairman shall apportion the business to be done among the individual members. Resolutions shall be adopted by vote of the majority, after a preliminary report.

ARTICLE V. In order to attain their end the Central Commission of Investigation shall assume the direction of local investigations, which have been undertaken, or may in the future be begun in the various states of the Union.

Local authorities which have heretofore conducted such investigations or who may hereafter conduct them, shall be ordered by their governments to forward to the Central Commission of Investigation as soon as possible, either in the original or in copies, reports of proceedings which have taken place under their direction. They shall further be ordered to carry out promptly and fully all instructions which they shall receive from the said Federal Commission, and to proceed with the necessary investigations with the greatest possible thoroughness and expedition, causing those accused to be arrested.

The local authorities shall promptly follow up new clues which may lead to discoveries, without any preliminary order from the Central Investigating Commission. They shall however immediately acquaint the latter with the facts.

The local authorities shall be ordered by the higher state officials to maintain constant communication with the Central Federal Commission and among themselves, mutually supporting each other in accordance with Article II of the Act of Confederation.

ARTICLE VI.[1] . . . .

ARTICLE VII. The Central Federal Commission has the right, when it deems it necessary, to examine individuals itself. It shall apply to the superior state authorities, or to the authorities which have been indicated to them in accordance with Article VI, to stop proceedings. In cases of unavoidable necessity recognized by the Central Commission, such persons are, upon demand of the said Commission, addressed to the superior state authorities or the local authorities above mentioned, to be arrested and sent under secure guard to Mainz.

ARTICLE VIII. The necessary provisions shall be made in the town where the Commission sits, for the safe-keeping of individuals of this class sent thither.

The expenses of the Commission, as well as of the investigation itself, are to be borne by the Confederation.

ARTICLE IX.[2] . . . .

ARTICLE X. The Central Investigating Commission is moreover to furnish the Diet from time to time, with a report of the results of the investigation, which is to be carried out as speedily as possible. The Diet shall, in accordance with the individual results, or with the general outcome of the whole investigation, take the necessary measures for opening judicial proceedings.

---

[1] Article VI requires the states to inform the Commission of the local authorities which are conducting investigations.

[2] Article IX provides that the Commission may turn to the Diet if necessary for more detailed instructions.

V. *CIRCULAR NOTE FROM THE COURTS OF AUSTRIA, RUSSIA AND PRUSSIA.*

DATED FROM TROPPAU, DECEMBER 8, 1820.

From Martens: Nouveau Recueil de Traités, Tome V., pp. 592-5.

The revolutions which broke out in 1820 in the southern part of Europe led to the extension of repressive measures beyond the boundaries of individual states. A system of international intervention was concerted by the leading reactionary monarchs with a view of preventing revolutionary movements The plan is so carefully and characteristically elaborated in the circular of Troppau that further explanation is uncalled for.

Having been informed of the false and exaggerated rumors which have been circulated by ill-intentioned and credulous persons in regard to the results of the conferences at Troppau, the allied courts deem it necessary to transmit authentic explanations to their representatives at foreign courts, in order to enable them to refute the erroneous ideas to which these rumors have given rise. The brief report here annexed will enable them to do this, and although it is not proposed to make this the subject of a formal communication the contents may be imparted in a confidential manner. They shall arrange the measures to be taken in this matter with the ministers of the two other allied powers.

Troppau, December 8, 1820.

BRIEF REVIEW OF THE FIRST RESULTS OF THE CONFERENCES AT TROPPAU.

The events which took place in Spain, March 8, at Naples, July 2, as well as the catastrophe in Portugal, could not but arouse a feeling of the deepest indignation, apprehension and sorrow in those who are called upon to guard the tranquillity of the nations and at the same time, emphasize the necessity of uniting in order to determine in common the means of checking the misfortunes which threaten to envelop Europe. It was but natural that these sentiments should leave a deep impression upon those powers which had but lately stifled revolution and who now beheld it once more raise its head. Nor was it less natural that these powers, in encountering revolution for the third time, should have recourse to the same methods which they had employed with so much success in the memorable struggle which freed Europe from a yoke she had borne for twenty years. Everything encouraged the hope that that alliance formed in the most critical circumstances, crowned with the most brilliant success and strengthened by the conventions of 1814, 1815 and 1818, as it had prepared the way for, established and assured the peace of the world and delivered the European Continent from the military

representatives of Revolution, so it would be able to check a new form of oppression, not less tyrannical and fearful, that of revolt and crime.

Such were the motives and the aim of the meeting at Troppau. The motives are too obvious to need further explanation. The aim is so honorable and justifiable that the best wishes of all right minded persons will doubtless accompany the allied courts into the noble arena they are about to enter. This undertaking which is imposed upon them by their most sacred engagements is a grave and difficult one. But an encouraging presentiment leads them to hope that, by invariably maintaining the spirit of the treaties to which Europe is indebted for the peace and union which reigns amongst its various states, they will attain their end.

The Powers are exercising an incontestable right in taking common measures in respect to those states in which the overthrow of the government through a revolt, even if it be considered simply as a dangerous example, may result in a hostile attitude toward all constitutions and legitimate governments. The exercise of this right becomes an urgent necessity when those who have placed themselves in this situation seek to extend to their neighbors the ills which they have brought upon themselves and to promote revolt and confusion around them.

A situation of this kind and such conduct is an obvious infraction of the arrangement which guarantees to all European governments, in addition to the inviolability of their territory, the enjoyment of peaceful relations, which excludes all reciprocal encroachment upon their rights.

This is the incontestable fact which the allied courts have made their point of departure. Hence the ministers, who might be furnished at Troppau even with positive instructions on the part of their monarchs, came to an agreement upon the plan of action to be followed in regard to those states where the governments had been overturned by violence, and upon the pacific or coercive measnres which might bring these states once more into the European alliance, in case the allies could succeed in exercising a distinct, salutary influence. The results of their deliberations were transmitted to the courts of Paris and London, in order that these might take them into consideration.

Nothing could menace more directly the tranquillity of the neighboring states than the revolution at Naples, gaining ground as it did daily. In view of the fact that the allied courts could not be attacked so promptly and immediately as these, it was deemed expedient to proceed in regard to the Kingdom of the Two Sicilies according to the principles above enunciated.

In order to prepare conciliatory measures toward this end, the monarchs, convened at Troppau, resolved to ask the King of the Two Sicilies to meet them at Laibach, with the single aim of freeing his majesty from all external compulsion and placing this monarch in the position of mediator between his erring people and the states whose tranquillity they threaten. The monarchs, having resolved in no case to recognize governments set up by a revolt, can only negotiate with the king in person, and their ministers and agents in Naples have been instructed to this effect.

France and England have been requested to co-operate in these measures and it is to be anticipated that they will not refuse since the principle upon which the request is based is completely in accord with the treaties which they have entered into, and affords moreover a guarantee of the fairest and most peaceful intentions.

The system pursued in concert by Prussia, Austria and Russia is in no way new. It is based upon the same principles as those upon which the conventions rested which created the alliance of the European states. The intimate union among the courts which form the nucleus of this Confederation, can only gain hereby in strength and permanence. The alliance will be consolidated by the same means which the powers, to whom it owes its origin, used in its formation, and which have caused the system to be adopted by all the other powers convinced of its advantages which are more incontestable than ever.

Moreover, it is needless to prove that the resolutions taken by the Powers are in no way to be attributed to the idea of conquest, nor to any intention of interfering with the independence of other governments in their internal administration, nor lastly, to the purpose of preventing wise improvements freely carried out and in harmony with the true interests of the people. Their only desire is to preserve and maintain peace, to deliver Europe from the scourge of revolution and to obviate or lessen the ills which arise from the violation of the precepts of order and morality.

On such terms, these Powers believe that they may, as a reward for their solicitude and exertions, count upon the unanimous approval of the world.

TRANSLATIONS AND REPRINTS

FROM THE

ORIGINAL SOURCES OF EUROPEAN HISTORY.

VOL. I. LETTERS OF THE CRUSADERS WRITTEN FROM THE HOLY LAND. NO. 4.

TABLE OF CONTENTS.

PAGE

I. THE FIRST CRUSADE.
1. Anselme of Ribemont to Manasses II., Archbishop of Reims, 1098, ... 2
2. Stephen, Count of Blois and Chartres, to his wife, Adele, 1098, ... 5
3. Daimbert, Godfrey and Raymond to the Pope, 1099, 8

II. THE SECOND CRUSADE.
1. Conrad III. to Wibald, Abbot of Corvey, 1148, . . . 12
2. Conrad III. to Wibald, Abbot of Corvey, 1148, . . . 14

III. THE DECLINE AND FALL OF JERUSALEM.
1. Aymeric, Patriarch of Antioch, to Louis VII. of France, 1164, ... 15
2. Letter from the East to Master of the Hospitalers, 1187, 18

IV. THE CRUSADE OF FREDERIC I.
1. Frederic I. to Leopold of Austria, 1189, ... 20
2. Sibylla, Ex-queen of Jerusalem, to Frederic I., 1189, 21

V. THE GERMAN CRUSADE.
1. The Duke of Lorraine to the Archbishop of Cologne, 1197, ... 22

VI. THE FIFTH CRUSADE.
1. Frederic II. to Henry III. of England, 1229, . . . 24
2. Gerold, Patriarch of Jerusalem, to all the Faithful, 1229, ... 27

VII. THE FINAL CAPTURE OF JERUSALEM.
1. The Master of the Hospitalers at Jerusalem to Lord de Melaye, 1244, ... 31

VIII. THE SIXTH CRUSADE.
1. Guy, a Knight, to B. of Chartres, 1249, ... 35

IX. A LIST OF OTHER LETTERS, WRITTEN BY THE CRUSADERS, WHICH HAVE BEEN TRANSLATED INTO ENGLISH, . . . 40

I. *THE FIRST CRUSADE.*

Many letters relative to the crusades have been preserved. Undoubtedly, the most valuable are those which were written by eye-witnesses of the events recorded, and which have come down to us in epistolary form. "These are in general the most precious documents for the history of the crusades. For in their day they played the part of the despatches and military bulletins of our day, and they transmit to us faithfully the impression which the events themselves made upon those who had taken part in them." Of these a few have been selected for translation here. All but two were written by persons high in rank, and all furnish information which cannot be obtained, with equal accuracy, elsewhere. The selection of letters has been controlled to some extent by the fact that adequate translations of some of the most important already exist in English.

"Anselme of Ribemont, count of Ostrevant and Valenciennes, is one of the most brilliant figures in the first crusade; and his glorious death before Archis (early in April, 1099), was recorded by all the eye-witnesses of the expedition." From Guibert's history (Bk. VI, 23), he was known to have written two letters to the archbishop of Reims, but only the second was known to be in existence. In 1877, count Riant found the first—the one here translated—in the "Bibliothèque Mazarine," in Paris.

Stephen, count of Blois and Chartres, was one of the richest and ablest among the princes who took part in the first crusade. According to legend he was the possessor of three hundred and sixty-five castles; in the second letter we find him in temporary command of the whole Christian army. He wrote at least three letters to his wife (see Riant, Lettres No. LXXIV, LXXXVII, C), of which this is the third. "Sybel rightly considers this letter as one of the most important documents for the history of the first crusade."

The third letter was probably the most widely read of all those written about the first crusade. It has been regarded with great suspicion, but is now recognized as genuine. Several versions have been preserved. Another translation can be found in Michaud's History of the Crusades (London, 1852), Vol. III, p. 362 ff.

Full discussions of the above letters are given in *Riant: Inventaire critique des Lettres historiques des Croisades*, and *Sybel: Geschichte des ersten Kreuzzuges*. The facts related in the letters are most fully treated of in the latter book. Kugler gives an excellent brief summary in his *Geschichte der Kreuzzüge*.

1. Anselme of Ribemont to Manasses II, Archbishop of Reims.

Before Antioch, about February 10, 1098.

Riant: Lettres, No. xcvii, and page 222. Latin.

To his reverend lord M., by God's grace archbishop of Reims, A. of Ribemont, his vassal and humble servant—greeting.

Inasmuch as you are our lord and as the kingdom of France is

especially dependent upon your care, we tell to you, our father, the events which have happened to us and the condition of the army of the Lord. Yet, in the first place, although we are not ignorant that the disciple is not above his master, nor the servant above his lord, we advise and beseech you in the name of our Lord Jesus to consider what you are and what the duty of a priest and bishop is. Provide therefore for our land, so that the lords may keep peace among themselves, the vassals may in safety work on their property, and the ministers of Christ may serve the Lord, leading quiet and tranquil lives. I also pray you and the canons of the holy mother church of Reims, my fathers and lords, to be mindful of us, not only of me and of those who are now sweating in the service of God, but also of the members of the army of the Lord who have fallen in arms or died in peace.

But passing over these things, let us return to what we promised. Accordingly after the army had reached Nicomedia, which is situated at the entrance to the land of the Turks, we all, lords and vassals, cleansed by confession, fortified ourselves by partaking of the body and blood of our Lord, and proceeding thence beset Nicaea on the second day before the Nones of May. After we had for some days besieged the city with many machines and various engines of war, the craft of the Turks, as often before, deceived us greatly. For on the very day on which they had promised that they would surrender, Soliman and all the Turks, collected from neighboring and distant regions, suddenly fell upon us and attempted to capture our camp. However the count of St. Gilles, with the remaining Franks, made an attack upon them and killed an innumerable multitude. All the others fled in confusion. Our men, moreover, returning in victory and bearing many heads fixed upon pikes and spears, furnished a joyful spectacle for the people of God. This was on the seventeenth day before the Kalends of June.

Beset moreover and routed in attacks by night and day, they surrendered unwillingly on the thirteenth day before the Kalends of July. Then the Christians entering the walls with their crosses and imperial standards, reconciled the city to God, and both within the city and outside the gates cried out in Greek and Latin, "Glory to Thee, O God." Having accomplished this, the princes of the army met the emperor who had come to offer them his thanks, and having received from him gifts of

inestimable value, some withdrew, with kindly feelings, others with different emotions.

We moved our camp from Nicaea on the fourth day before the Kalends of July and proceeded on our journey for three days. On the fourth day the Turks, having collected their forces from all sides, again attacked the smaller portion of our army, killed many of our men and drove all the remainder back to their camps. Bohemond, count of the Romans,[1] count Stephen, and the count of Flanders commanded this section. When these were thus terrified by fear, the standards of the larger army suddenly appeared. Hugh the Great and the duke of Lorraine were riding at the head, the count of St. Gilles and the venerable bishop of Puy followed. For they had heard of the battle and were hastening to our aid. The number of the Turks was estimated at 260,000. All of our army attacked them, killed many and routed the rest. On that day I returned from the emperor, to whom the princes had sent me on public business.

After that day our princes remained together and were not separated from one another. Therefore, in traversing the countries of Romania and Armenia we found no obstacle, except that after passing Iconium, we, who formed the advance guard, saw a few Turks. After routing these, on the twelfth day before the Kalends of November, we laid siege to Antioch, and now we captured the neighboring places, the cities of Tarsus and Laodicea and many others, by force. On a certain day, moreover, before we besieged the city, at the "Iron Bridge" we routed the Turks, who had set out to devastate the surrounding country, and we rescued many Christians. Moreover, we led back the horses and camels with very great booty.

While we were besieging the city, the Turks from the nearest redoubt daily killed those entering and leaving the army. The princes of our army seeing this, killed 400 of the Turks who were lying in wait, drove others into a certain river and led back some as captives. You may be assured that we are now besieging Antioch with all diligence, and hope soon to capture it. The city is supplied to an incredible extent with grain, wine, oil and all kinds of food.

I ask, moreover, that you and all whom this letter reaches pray

[1] This should be Normans. Cf. Hagenmeyer: Gesta, p. 197, n. 10.

for us and for our departed brethren. Those who have fallen in battle are: at Nicaea, Baldwin of Ghent, Baldwin *Chalderuns*, who was the first to make an attack upon the Turks and who fell in battle on the Kalends of July, Robert of Paris, Lisiard of Flanders, Hilduin of *Mansgarbio* [Mazingarbe], *Ansellus* of *Caium* [Anseau of Caien], Manasses of *Claromonte* [Clermont], *Laudunensis*.

Those who died from sickness: at Nicaea, Guy of *Vitreio*, Odo of *Vernolio* [Verneuil (?)], Hugh of Reims; at the fortress of Sparnum, the venerable abbot Roger, my chaplain; at Antioch, Alard of *Spiniaeco*, Hugh of *Calniaco*.

Again and again I beseech you, readers of this letter, to pray for us, and you, my lord archbishop, to order this to be done by your bishops. And know for certain that we have captured for the Lord 200 cities and fortresses. May our mother, the western church, rejoice that she has begotten such men, who are acquiring for her so glorious a name and who are so wonderfully aiding the eastern church. And in order that you may believe this, know that you have sent to me a tapestry by Raymond "*de Castello*." Farewell.

2. STEPHEN, COUNT OF BLOIS AND CHARTRES, TO HIS WIFE, ADELE.

Before Antioch, March 29, 1098.

D'Achery, Spicilegium, I edition, iv., 257. Ibid., II edition, iii, 430. Hist. occ. des cr., iii., pp. 887-891. See Riant: Lettres, No. c. Latin.

Count Stephen to Adele, his sweetest and most amiable wife, to his dear children, and to all his vassals of all ranks—his greeting and blessing.

You may be very sure, dearest, that the messenger whom I sent to give you pleasure, left me before Antioch safe and unharmed, and through God's grace in the greatest prosperity. And already at that time, together with all the chosen army of Christ, endowed with great valor by Him, we had been continuously advancing for twenty-three weeks toward the home of our Lord Jesus. You may know for certain, my beloved, that of gold, silver and many other kind of riches I now have twice as much as your love had assigned to me when I left you. For all our princes, with the common consent of the whole army, against my own wishes, have made me up to the present time the leader, chief and director of their whole expedition.

You have certainly heard that after the capture of the city of Nicaea we fought a great battle with the perfidious Turks and by God's aid conquered them. Next we conquered for the Lord all Romania and afterwards Cappadocia. And we learned that there was a certain Turkish prince Assam, dwelling in Cappadocia; thither we directed our course. All his castles we conquered by force and compelled him to flee to a certain very strong castle situated on a high rock. We also gave the land of that Assam to one of our chiefs and in order that he might conquer the above-mentioned Assam, we left there with him many soldiers of Christ. Thence, continually following the wicked Turks, we drove them through the midst of Armenia, as far as the great river Euphrates. Having left all their baggage and beasts of burden on the bank, they fled across the river into Arabia.

The bolder of the Turkish soldiers, indeed, entering Syria, hastened by forced marches night and day, in order to be able to enter the royal city of Antioch before our approach. The whole army of God learning this gave due praise and thanks to the omnipotent Lord. Hastening with great joy to the aforesaid chief city of Antioch, we besieged it and very often had many conflicts there with the Turks; and seven times with the citizens of Antioch and with the innumerable troops coming to its aid, whom we rushed to meet, we fought with the fiercest courage, under the leadership of Christ. And in all these seven battles, by the aid of the Lord God, we conquered and most assuredly killed an innumerable host of them. In those battles, indeed, and in very many attacks made upon the city, many of our brethren and followers were killed and their souls were borne to the joys of paradise.

We found the city of Antioch very extensive, fortified with incredible strength and almost impregnable. In addition, more than 5,000 bold Turkish soldiers had entered the city, not counting the Saracens, Publicans, Arabs, Turcopolitans, Syrians, Armenians and other different races of whom an infinite multitude had gathered together there. In fighting against these enemies of God and of our own we have, by God's grace, endured many sufferings and innumerable evils up to the present time. Many also have already exhausted all their resources in this very holy passion. Very many of our Franks, indeed, would have met a temporal death from starvation, if the clemency of

God and our money had not succoured them. Before the above-mentioned city of Antioch indeed, throughout the whole winter we suffered for our Lord Christ from excessive cold and enormous torrents of rain. What some say about the impossibility of bearing the heat of the sun throughout Syria is untrue, for the winter there is very similar to our winter in the west.

When truly Caspian [Bagi Seian], the emir of Antioch—that is, prince and lord—perceived that he was hard pressed by us, he sent his son Sensodolo [Chems Eddaulah] by name, to the prince who holds Jerusalem, and to the prince of Calep, Rodoam [Rodoanus], and to Docap [Deccacus Ibn Toutousch], prince of Damascus. He also sent into Arabia to Bolianuth and to Carathania to Hamelnuth. These five emirs with 12,000 picked Turkish horsemen suddenly came to aid the inhabitants of Antioch. We, indeed, ignorant of all this, had sent many of our soldiers away to the cities and fortresses. For there are one hundred and sixty-five cities and fortresses throughout Syria which are in our power. But a little before they reached the city, we attacked them at three leagues' distance with 700 soldiers, on a certain plain near the "Iron Bridge." God, however, fought for us, His faithful, against them. For on that day, fighting in the strength that God gives, we conquered them and killed an innumerable multitude—God continually fighting for us—and we also carried back to the army more than two hundred of their heads, in order that the people might rejoice on that account. The emperor of Babylon also sent Saracen messengers to our army with letters, and through these he established peace and concord with us.

I love to tell you, dearest, what happened to us during Lent. Our princes had caused a fortress to be built before a certain gate which was between our camp and the sea. For the Turks daily issuing from this gate, killed some of our men on their way to the sea. The city of Antioch is about five leagues' distance from the sea. For this reason they sent the excellent Bohemond and Raymond, count of St. Gilles, to the sea with only sixty horsemen, in order that they might bring mariners to aid in this work. When, however, they were returning to us with those mariners, the Turks collected an army, fell suddenly upon our two leaders and forced them to a perilous flight. In that unexpected flight we lost more than 500 of our foot-soldiers—to the glory of God. Of our horsemen, however, we lost only two, for certain.

On that same day truly, in order to receive our brethren with joy, and ignorant of their misfortunes, we went out to meet them. When, however, we approached the above-mentioned gate of the city, a mob of horsemen and foot-soldiers from Antioch, elated by the victory which they had won, rushed upon us in the same manner. Seeing these, our leaders sent to the camp of the Christians to order all to be ready to follow us into battle. In the meantime our men gathered together and the scattered leaders, namely, Bohemond and Raymond, with the remainder of their army came up and narrated the great misfortune which they had suffered.

Our men, full of fury at these most evil tidings, prepared to die for Christ and, deeply grieved for their brethren, rushed upon the sacrilegious Turks. They, enemies of God and of us, hastily fled before us and attempted to enter their city. But by God's grace the affair turned out very differently; for, when they wanted to cross a bridge built over the great river *Moscholum*, we followed them as closely as possible, killed many before they reached the bridge, forced many into the river, all of whom were killed, and we also slew many upon the bridge and very many at the narrow entrance to the gate. I am telling you the truth, my beloved, and you may be very certain that in this battle we killed thirty emirs, that is princes, and three hundred other Turkish nobles, not counting the remaining Turks and pagans. Indeed, the number of Turks and Saracens killed is reckoned at 1,230, but of ours we did not lose a single man.

While on the following day (Easter) my chaplain Alexander was writing this letter in great haste, a party of our men lying in wait for the Turks, fought a successful battle with them and killed sixty horsemen, whose heads they brought to the army.

These which I write to you, are only a few things, dearest, of the many which we have done, and because I am not able to tell you, dearest, what is in my mind, I charge you to do right, to carefully watch over your land, to do your duty as you ought to your children and your vassals. You will certainly see me just as soon as I can possibly return to you. Farewell.

3. Daimbert, Godfrey and Raymond, to the Pope.

Laodicea, September, 1099.

Annales Sancti Disibodi in Mon. Germ. Hist., SS., xvii., 17–18. See Riant, Lettres, No. cxliv, and Röhricht, Regesta, 29. Latin.

To lord Paschal, pope of the Roman church, to all the bishops,

and to the whole Christian people, from the archbishop of Pisa, duke Godfrey, now, by the grace of God, defender of the church of the Holy Sepulchre, Raymond, count of St. Gilles, and the whole army of God, which is in the land of Israel, greeting.

Multiply your supplications and prayers in the sight of God with joy and thanksgiving, since God has manifested His mercy in fulfilling by our hands what He had promised in ancient times. For after the capture of Nicaea, the whole army, made up of more than three hundred thousand soldiers, departed thence. And, although this army was so great that it could have in a single day covered all Romania and drunk up all the rivers and eaten up all the growing things, yet the Lord conducted them amid so great abundance that a ram was sold for a penny and an ox for twelve pennies or less. Moreover, although the princes and kings of the Saracens rose up against us, yet, by God's will, they were easily conquered and overcome. Because, indeed, some were puffed up by these successes, God opposed to us Antioch, impregnable to human strength. And there He detained us for nine months and so humbled us in the siege that there were scarcely a hundred good horses in our whole army. God opened to us the abundance of His blessing and mercy and led us into the city, and delivered the Turks and all of their possessions into our power.

Inasmuch as we thought that these had been acquired by our own strength and did not worthily magnify God who had done this, we were beset by so great a multitude of Turks that no one dared to venture forth at any point from the city. Moreover, hunger so weakened us that some could scarcely refrain from eating human flesh. It would be tedious to narrate all the miseries which we suffered in that city. But God looked down upon His people whom He had so long chastised and mercifully consoled them. Therefore, He at first revealed to us, as a recompense for our tribulation and as a pledge of victory, His lance which had lain hidden since the days of the apostles. Next, He so fortified the hearts of the men, that they who from sickness or hunger had been unable to walk, now were endued with strength to seize their weapons and manfully to fight against the enemy.

After we had triumphed over the enemy, as our army was wasting away at Antioch from sickness and weariness and was especially hindered by the dissensions among the leaders, we pro-

ceeded into Syria, stormed Barra and Marra, cities of the Saracens, and captured the fortresses in that country. And while we were delaying there, there was so great a famine in the army that the Christian people now ate the putrid bodies of the Saracens. Finally, by the divine admonition, we entered into the interior of Hispania,[1] and the most bountiful, merciful and victorious hand of the omnipotent Father was with us. For the cities and fortresses of the country through which we were proceeding sent ambassadors to us with many gifts and offered to aid us and to surrender their walled places. But because our army was not large and it was the unanimous wish to hasten to Jerusalem, we accepted their pledges and made them tributaries. One of the cities forsooth, which was on the sea-coast, had more men than there were in our whole army. And when those at Antioch and Laodicea and Archas heard how the hand of the Lord was with us, many from the army who had remained in those cities followed us to Tyre. Therefore, with the Lord's companionship and aid, we proceeded thus as far as Jerusalem.

And after the army had suffered greatly in the siege, especially on account of the lack of water, a council was held and the bishops and princes ordered that all with bare feet should march around the walls of the city, in order that He who entered it humbly in our behalf might be moved by our humility to open it to us and to exercise judgment upon His enemies. God was appeased by this humility and on the eighth day after the humiliation He delivered the city and His enemies to us. It was the day indeed on which the primitive church was driven thence, and on which the festival of the dispersion of the apostles is celebrated. And if you desire to know what was done with the enemy who were found there, know that in Solomon's Porch and in his temple our men rode in the blood of the Saracens up to the knees of their horses.

Then, when we were considering who ought to hold the city, and some moved by love for their country and kinsmen wished to return home, it was announced to us that the king of Babylon had come to Ascalon with an innumerable multitude of soldiers. His purpose was, as he said, to lead the Franks, who were in

[1] "Hispania designates the region on the right bank of the Orontes which stretches towards the east, the ancient Apamea and Chalcidice." Hagenmeyer in Forschungen zur deutschen Geschichte, Vol. xiii, p. 407.

Jerusalem, into captivity, and to take Antioch by storm. But God had determined otherwise in regard to us.

Therefore, when we learned that the army of the Babylonians was at Ascalon, we went down to meet them, leaving our baggage and the sick in Jerusalem with a garrison. When our army was in sight of the enemy, upon our knees we invoked the aid of the Lord, that He who in our other adversities had strengthened the Christian faith, might in the present battle break the strength of the Saracens and of the devil and extend the kingdom of the church of Christ from sea to sea, over the whole world. There was no delay; God was present when we cried for His aid, and furnished us with so great boldness, that one who saw us rush upon the enemy would have taken us for a herd of deer hastening to quench their thirst in running water. It was wonderful, indeed, since there were in our army not more than 5,000 horsemen and 15,000 foot-soldiers, and there were probably in the enemy's army 100,000 horsemen and 400,000 foot-soldiers. Then God appeared wonderful to His servants. For before we engaged in fighting, by our very onset alone, He turned this multitude in flight and scattered all their weapons, so that if they wished afterwards to attack us, they did not have the weapons in which they trusted. There can be no question how great the spoils were, since the treasures of the king of Babylon were captured. More than 100,000 Moors perished there by the sword. Moreover, their panic was so great that about 2,000 were suffocated at the gate of the city. Those who perished in the sea were innumerable. Many were entangled in the thickets. The whole world was certainly fighting for us, and if many of ours had not been detained in plundering the camp, few of the great multitude of the enemy would have been able to escape from the battle.

And although it may be tedious, the following must not be omitted: On the day preceding the battle the army captured many thousands of camels, oxen and sheep. By the command of the princes these were divided among the people. When we advanced to battle, wonderful to relate, the camels formed in many squadrons and the sheep and oxen did the same. Moreover, these animals accompanied us, halting when we halted, advancing when we advanced, and charging when we charged. The clouds protected us from the heat of the sun and cooled us.

Accordingly, after celebrating the victory, the army returned to

Jerusalem. Duke Godfrey remained there; the count of St. Gilles, Robert, count of Normandy, and Robert, count of Flanders, returned to Laodicea. There they found the fleet belonging to the Pisans and to Bohemond. After the archbishop of Pisa had established peace between Bohemond and our leaders, Raymond prepared to return to Jerusalem for the sake of God and his brethren.

Therefore, we call upon you of the catholic church of Christ and of the whole Latin church to exult in the so admirable bravery and devotion of your brethren, in the so glorious and very desirable retribution of the omnipotent God, and in the so devoutedly hoped-for remission of all our sins through the grace of God. And we pray that He may make you—namely, all bishops, clerks and monks who are leading devout lives, and all the laity—to sit down at the right hand of God, who liveth and reigneth God for ever and ever. And we ask and beseech you in the name of our Lord Jesus, who has ever been with us and aided us and freed us from all our tribulations, to be mindful of your brethren who return to you, by doing them kindnesses and by paying their debts, in order that God may recompense you and absolve you from all your sins and grant you a share in all the blessings which either we or they have deserved in the sight of the Lord. Amen.

II. *THE SECOND CRUSADE.*

These letters were written as official bulletins, in order to set before the German people the disastrous events of the crusade in the light most favorable to the German participants. See especially *Kugler: Studien zur Geschichte des zweiten Kreuzzuges.*

1. Conrad III. to Wibald, Abbot of Corvey, 1148.

Bouquet: Recueil des historiens des Gaules et de la France, xv, p. 533. Latin.

Conrad, by the grace of God, king of the Romans, to venerable Wibald, abbot of Corvey and Stavelot—his most kind greeting.

Because we have very frequently realized your faithfulness, proven in many trials, to us and to our kingdom, we do not doubt that you will rejoice greatly, if you hear of the state of our prosperity. We, therefore, announce to your faithfulness that when we had reached Nicaea with our army entire and strong, wishing to complete our journey quickly, we hastened to set out for Icon-

ium under the guidance of men who knew the road. We carried with us as many necessities as possible. And behold, when ten days of the journey were accomplished and the same amount remained to be traversed, food for the whole host had almost given out, but especially for the horses. At the same time the Turks did not cease to attack and slaughter the crowd of foot-soldiers who were unable to follow the army. We pitied the fate of our suffering people, perishing by famine and by the arrows of the enemy; and, by the advice of our princes and barons, we led the army back from that desert land to the sea, in order that it might regain its strength. We preferred to preserve the army for greater achievements rather than to win so bloody a victory over archers.

When, indeed, we had reached the sea and had pitched our tents and did not expect quiet amid so great a storm, to our delight the king of France came to our tents, wholly unexpectedly. He grieved, indeed, that our army was exhausted by hunger and toil, but he took great delight in our company. Moreover, he himself and all his princes offered their services faithfully and devoutly to us and furnished for our use their money especially, and whatever else they had. They joined themselves, therefore, to our forces and princes. Some of the latter had remained with us, and others, either sick or lacking money, had not been able to follow and had accordingly withdrawn from the army.

We proceeded without any difficulty as far as St. John's, where his tomb with the manna springing from it is seen, in order that we might there celebrate the Nativity of our Lord. Having rested there some days to recover our health, inasmuch as sickness had seized on us and many of our men, we wanted to proceed; but weakened by our illness we were wholly unable to do so. The king, therefore, departed with his army, after having waited for us as long as possible; but a long sickness detained us.

When our brother, the emperor of Greece, heard of this, he was greatly grieved, and with our daughter, the most beloved empress, his wife, he hastened to come to us. And, liberally giving to us and our princes his money and the necessities for our journey, he led us back, as it were, by force, to his palace at Constantinople, in order that we might be the more speedily cured by his physicians. There he showed to us as much honor as, to our knowledge, was ever shown to any one of our predecessors.

Thence we hastened to set out for Jerusalem on Quadragesima Sunday, in order to collect there a new army and to proceed to Rohas.

Moreover, that God may deign to make our journey prosperous, we ask that you and your brethren will pray for us and will order all Christians to do the same. And we entrust our son to your fidelity.

2. Conrad III. to Wibald, Abbot of Corvey, 1148.

Bouquet: Recueil, xv, p. 534. Latin.

Conrad, by the grace of God, august king of the Romans, to venerable Wibald, abbot of Corvey,—his most kind greeting.

Because we know that you especially desire to hear from us and to learn the state of our prosperity, we think it fitting first to tell you of this. By God's mercy we are in good health and we have embarked in our ships to return on the festival of the blessed Virgin in September, after having accomplished in these lands all that God willed and the people of the country permitted.

Let us now speak of our troops. When following the advice of the common council we had gone to Damascus and after a great deal of trouble had pitched our camps before the gate of the city, it was certainly near being taken. But certain ones, whom we least suspected, treasonably asserted that the city was impregnable on that side and hastily led us to another position where no water could be supplied for the troops and where access was impossible to any one. And thus all, equally indignant and grieved, returned, leaving the undertaking uncompleted. Nevertheless, they all promised unanimously that they would make an expedition against Ascalon, and they set the place and time. Having arrived there according to agreement, we found scarcely any one. In vain we waited eight days for the troops. Deceived a second time, we turned to our own affairs.

In brief therefore, God willing, we shall return to you. We render to you the gratitude which you deserve for your care of our son and for the very great fidelity which you have shown to us. And with the full intention of worthily rewarding your services, we ask you to continue the same.

III. *THE DECLINE AND FALL OF JERUSALEM.*

After the second crusade it was difficult to arouse enthusiasm in the West. Many letters were written begging piteously for aid. In the meantime affairs in the Holy Land went from bad to worse. Owing to the policy of the Christians, Noureddin had been allowed to get a strong foothold in Egypt. But dissensions arose between his general and the vizier of Egypt, and the latter called on the king of Jerusalem for aid. While Amalric, profiting by this chance, was carrying on a successful campaign in Egypt, the events recorded in the first letter took place. See *Kugler: Geschichte der Kreuzzüge* pp. 167–169.

The second letter gives the most reliable account of the events which decided the fate of the kingdom of Jerusalem. It is without pretence to literary style, and the spelling is very bad. In the text the proper names are spelled as in the original letter. The forms in brackets have been adopted from *Rey's Colonies franques de Syrie aux XIIme et XIII siècles* (Paris 1883), and *Guy Le Strange's Palestine under the Moslems* (Boston and New York, 1890). The rapidity of Saladin's success and the hopelessness of the Christians are well brought out. See *Wilken; Geschichte der Kreuzzüge*, Vol. III, ii, pp. 274, ff.

1. Aymeric, Patriarch of Antioch, to Louis VII. of France.

Antioch, 1164.

Bouquet: Recueil, xvi, p. 61. Latin.

Aymeric, by the grace of God, patriarch of the holy Apostolic See of Antioch, to Louis, illustrious king of the French,—greeting and Apostolic benediction.

It would be fitting that we should always write joyful tidings to his royal majesty and should increase the splendor of his heart by the splendor and delight of our words. But the reverse has ever been our lot. The causes for tears, forsooth, are constant, the grief and the groaning are continuous, and we are unable to speak except of what concerns us. For the proverb says: "Where the grief is, there is also the tongue and hand." The deaths of the Christians are frequent and the captures which we see daily. Moreover, the wasting away of the church in the East afflicts with ineradicable grief us who, tortured internally even to our destruction, are dying while living in anguish of soul, and, leading a life more bitter than death, as a culmination of our miseries, are wholly unable to die. Nor is there any one who turns his heart towards us and out of pity directs his hand to aid us. But not to protract our words, the few Christians who are here cry out to you, together with us, and implore your clemency, which with God's

assistance is sufficient to liberate us and the church of God in the East.

And now we will tell you of all the events which have happened to us. In the Lent which has just passed, a certain one [Noureddin] of the men who are about us, who is held as chief among the Saracens, and who oppresses our Christian population far more than all who have gone before, and the leader of his army [Schirkuh] having gotten possession of Damascus, the latter entered Egypt with a great force of Turks, in order to conquer the country. Accordingly, the king of Egypt, who is also called the sultan of Babylon, distrusting his own valor and that of his men, held a most warlike council to determine how to meet the advancing Turks and how he could obtain the aid of the king of Jerusalem. For he wisely preferred to rule under tribute rather than to be deprived of both life and kingdom.

The former, therefore, as we have said, entered Egypt, and favored by certain men of that land, captured and fortified a certain city. In the meantime the sultan made an alliance with the lord king [Amalric] by promising to pay tribute each year and to release all the Christian captives in Egypt, and obtained the aid of the lord king. The latter, before setting out, committed the care of his kingdom and land, until his return, to us and to our new prince, his kinsman Bohemond, son of the former prince Raymond.

Therefore, the great devastator of the Christian people, who rules near us, collected together from all sides the kings and races of the infidels and offered a peace and truce to our prince, and very frequently urged it. His reason was that he wished to traverse our land with greater freedom in order to devastate the kingdom of Jerusalem and to be able to bear aid to his vassal fighting in Egypt. But our prince was unwilling to make peace with him until the return of our lord king.

When the former saw that he was not able to accomplish what he had proposed, full of wrath, he turned his weapons against us and laid siege to a certain fortress of ours, called Harrenc, twelve miles distant from our city. But those who were besieged—7,000 in number, including warriors, men and women—cried loudly to us, ceasing neither day nor night, to have pity on them, and fixed a day beyond which it would be impossible for them to hold out. Our prince having collected all his forces set out from Antioch on

the day of St. Lawrence and proceeded as far as the fortress in entire safety. For the Turks in their cunning gave up the siege and withdrew a short distance from the fortress to some narrow passes in their own country.

On the next day our men followed the enemy to that place and, while they were marching without sufficient circumspection, battle was engaged and they fled. The conflict was so disastrous that hardly any one of ours of any rank escaped, except a few whom the strength of their horses or some lucky chance rescued from the tumult. Those captured were our prince [Bohemond III], the count of Tripoli [Raymond II], a certain Greek, Calaman,[1] a duke of illustrious lineage, *Mamistrensis*, Hugh of *Lesiniaco*, and some of the brethren of the Templars and Hospitalers who had come from the county of Tripoli with the count. Of the people, some were killed, others captured; very few escaped; men, horses and weapons were almost entirely destroyed.

After the slaughter of the Christians the Turks returned to the above-mentioned fortress, captured it, and by compact conducted the feeble multitude of women, children and wounded as far as Antioch. Afterwards they advanced to the city, devastated the whole country as far as the sea with fire and sword and exercised their tyranny according to their lusts on everything which met their eyes.

God is a witness that the remnant which is left us is in no way sufficient to guard the walls night and day, and owing to the scarcity of men, we are obliged to entrust their safety and defense to some whom we suspect. Neglecting the church services, the clergy and presbyters guard the gates. We ourselves are looking after the defense of the walls and, as far as possible, are repairing, with great and unremitting labor, the many portions which have been broken down by earthquakes. And all this in vain, unless God shall look upon us with a more kindly countenance. For we do not hope to hold out longer, inasmuch as the valor of the men of the present day has been exhausted and is of no avail. But we do, in order that whatever can be done may not be left undone by us.

Above all, the only anchor which is left in this extremity for our hope is in you. Because we have heard from everybody of

[1] Governor of Cilicia, in the service of the Greek Emperor.

your greatness, because we have understood that you, more than all the other kings of the West, always have the East in mind. From that we are given to understand that your joy will not be full until you accomplish at some time what we are unable through our misdeeds to accomplish. And it is our hope that by your hand the Lord will visit His people and will have compassion on us.

May the sighings and groanings of the Christians enter the ear of the most high and incomparable prince; may the tortures and griefs of the captives strike his heart! And, not to make our letter too long, lest we should waste away in this vain hope and be for a long time consumed by the shadow of death, may his royal majesty deign to write to us and tell us his pleasure. Whatever we undergo by his command will not be difficult for us. May our Lord Jesus Christ increase in the heart of the king the desire which we desire, and may He in whose hand are the hearts of kings enkindle that heart! Amen.

2. LETTER FROM THE EAST TO MASTER OF HOSPITALERS, 1187.

Ansbert in Fontes Rerum Austriac. 1 Abth., Vol. V, p. 2. Latin. Reprinted in Beylagen to Wilken: Geschichte der Kreuzzüge, Vol. IV, pp. 93–94.

We make known to you, lord Archambault, master of the Hospitalers in Italy, and to the brethren, all the events which have happened in the countries beyond the seas.

Learn, therefore, that the king of Jerusalem was near *Saphora* [Sephoria] with a great army of at least thirty thousand men about the festival of the Apostles Peter and Paul, and was in perfect concord with the count of Tripoli, and the latter was with the army. And behold Saladin, the pagan king, approached *Tabaria* [Tiberias] with eighty thousand horsemen and took *Tabaria*. After this was done the king of Jerusalem left *Saphora* and went with his men drawn up against Saladin. And Saladin came against him near *Marestutia* [Marescallia] on the Friday after the festival of the Apostles Peter and Paul. Battle was engaged and during the whole day they fought fiercely, but night interrupted the strife. In the intervening night the king of Jerusalem fixed his tents near Salnubia, and on the next day, Saturday, moved with his army.

About the third hour the master of the Templars, with all his brethren, began the battle. They received no aid and, by God's

permission, lost the greater portion of their men. After this happened, the king, by hard fighting and with great difficulty, went with his army to Naim, about a league distant, and then the count of Tripoli came to the king and made him pitch his tents near the mountain, which is a sort of fortress, and they were not able to pitch more than three tents. After this was done, the Turks seeing that they had pitched their tents, kindled fires around the army of the king, and, in truth, the heat was so great that the horsemen were baking and were not able to eat or drink. Next, Baldwin of Fatinor, Bacbaberboc of *Tabaria* and Leisius, with three other associates, separated themselves from the army, went over to Saladin and—a thing which is grievous to relate—denied their faith, surrendered themselves to him, and betrayed to him the army of the king of Jerusalem, by revealing the difficult position in which it was.

Therefore Saladin sent against us Techedin [Taki-Eddin] with twenty thousand chosen soldiers who rushed upon our army, and the battle raged very fiercely from the ninth hour to vespers. And, because of our sins, very many of ours were killed, the Christian people were conquered, the king was captured, and the holy cross and count Gabula and Milo of *Colaterido* and *Onfred* [Honfroy] the youth, and prince *Reinald* [Reginald] captured and killed. And Walter of Arsun and Hugo of *Gibelen* [Gibelin] and the lord of *Botrono* [Botron] and the lord of *Marachele* and a thousand others of the best, captured and killed, so that not more than two hundred of the horsemen and soldiers escaped. The count of Tripoli, lord Basian and R. [Reginald], the lord of Sidon, escaped.

After this Saladin collected his army again and on Sunday came to *Saphora* and took *Saphora* and Nazareth, and Mount Tabor, and on Monday came to *Acon* [Acre], which is also called *Acris;* and those in *Acon* surrendered. Likewise those of Caifas and those of *Cesarea* [Cæsarea] and of *Jafa* [Joppa], and of *Naple* [Neapolis], and of *Ram* [Ramlah], and of St. George, and of *Ybelinon* [Ibelin], and of *Bellefort* [Belfort], and of Mirabel, and of *Tyron* [Tyre], and of Gwaler, and of *Gazer* [Gaza], and of *Audurum* [Darum], all surrendered. After this, when our galley moved from *Sur* [Tyre], they sent *Sabani* to Saladin that he should go to Jerusalem and they would surrender the city. And we fled with the galley to *Lechia* [Laodicea], and we heard that Tyre

had surrendered. Moreover, the following cities are still safe and are awaiting aid from the western Church; namely, Jerusalem, *Sur*, *Scalona* [Ascalon], Marchat, *Antyochia* [Antioch], Lassar, Saona, *Triplis* [Tripoli]. Moreover, so great is the multitude of the Saracens and Turks that from Tyre, which they are besieging, they cover the face of the earth as far as Jerusalem, like an innumerable army of ants, and unless aid is quickly brought to the remaining above-mentioned cities and to the very few Christians remaining in the East, by a similar fortune they will be plundered by the raging infidels, thirsting for the blood of the Christians.

IV. *THE CRUSADE OF FREDERIC I.*

To protect his own interest from the crusaders, the Grecian emperor made an alliance with Saladin. This made the former a greater object of hatred than ever before. In the first crusade, Alexius had been suspected and detested; Manuel had been openly blamed for the failure of the second crusade. Now in the third, no means are too odious to be attributed to the emperor of the East. In a few years, the hatred accumulated for more than a century will vent itself in the sack of Constantinople. See especially Riezler: Kreuzzug Kaiser Friedrichs I. in Forschungen zur deutschen Geschichte, Vol. 10.

1. Frederic I. to Leopold of Austria.

Adrianople, end of November, 1189.

Tageno in Freher SS. p. 410. Latin.

Frederic, by the grace of God, emperor and always august, to his beloved kinsman Leopold, duke of Austria,—greeting and all good wishes.

We thought we ought to tell you, because of your love for us, that our brother, the emperor of Constantinople, although he ought to have been bound by brotherly love, has from the very first violated all the oaths which are known to have been sworn by his chancellor at Nuremberg, in the presence of the princes of the empire, in regard to our security on the march, and markets and exchanges. Moreover, he has seized and ignominiously thrown into prison our ambassadors, the bishop of Münster, count Rupert[1] and Markward, our chamberlain, together with all their attendants, whom we had sent to confirm the peace and to arrange for our peaceful march on this expedition of the quickening

[1] Of Nassau.

cross. At length, however, after long negotiations, grievously delaying our march until the dangerous winter season, he has sent back to our excellency the aforesaid ambassadors on the feast of St. Simon and St. Jude, as if matters had been satisfactorily arranged, and he has again promised us good markets, the usual exchanges and an abundance of vessels.

Truly, because the burnt child dreads the fire, we can in the future have no confidence in the words and oaths of the Greeks. In order to avoid the stormy winter season, we propose to stay until spring at Philippopolis and Adrianople, and to cross over to Constantinople in the favorable season. Therefore, although we rejoice in a well-equipped army, yet we must seek divine succour in our prayers. For these reasons we ask and desire of your love, that in your prayers and pious devotions you commend us and the whole army of the crusaders to God. In addition we ask of your prudence to see that the letters which we send to the pope reach him through your aid and exertions, because you can arrange this more successfully than anyone else.

2. Sibylla, Ex-Queen of Jerusalem to Frederic I. 1189.

Tageno in Freher, SS. I, p. 410. Röhricht, Regesta, 681. Latin.

To her venerable and most illustrious lord Frederic, by the grace of God, most victorious emperor of Rome and most friendly champion of the Holy Cross, Sibylla, formerly queen of Jerusalem, his most humble servant, greatly humiliated in the name of the Lord.

Spare the humble and conquer the proud. I, your most humble maid-servant—as I said above—am compelled to tell your highness and supreme excellency of the grief of the whole city and of the disgrace of the sacred Christians. For the emperor of Constantinople, the persecutor of the church of God, has entered into a conspiracy with Saladin, the seducer and destroyer of the holy Name, against the name of our Lord Jesus Christ.

I tell this, which I am indeed not able to say without tears. Saladin, the aforesaid enemy of Christ, has sent to the Grecian emperor and the persecutor of the holy Name many presents very pleasing to mortals, in order to make a compact and agreement. And for the slaughter and destruction of the Christians wishing to exalt the name of God, he sent 600 measures of poisoned grain and added a very large vase of wine, filled with such a malignant

poison that when he wanted to try its efficacy he called a man, who was killed by the odor alone when the vase was opened.

Along with the rest I am compelled to tell my lord another thing: the aforesaid emperor, in order to increase our misfortunes and magnify the destruction of the Christians, does not permit wheat or other necessary victuals to be carried from his country to Jerusalem. Wherefore, the wheat which might be sent by himself and others, is also shut up in the city of Constantinople.

However, at the end of this tearful epistle, I tell you truthfully that you ought to believe the most faithful bearer of this letter. For he himself witnesses what he has seen with his own eyes and heard with his own ears. This is the reason that with my head bowed to the ground and with bent knees, I ask your Magnificence that inasmuch as you are the head of the world and the wall of the house of Israel, you should never believe the Grecian emperor.

V. *THE GERMAN CRUSADE.*

This letter shows the German crusaders in the full course of victory, which was so soon to be checked by the death of Henry VI. See *Toeche: Kaiser Heinrich VI. in Jahrbücher der deutschen Geschichte.*

1. THE DUKE OF LORRAINE TO THE ARCHBISHOP OF COLOGNE, 1197.

Annales Colonienses Maximi in Mon. Germ. Hist. SS., xvii, 805. Latin.

Since we know that you rejoice greatly in the increase of our honor and in the prosperity of all Christianity, we announce to your discretion and prudence that after I had been chosen as the chief of the whole army by the princes of the Roman empire and the barons of the kingdom of Jerusalem and the common people, we directed our march toward Beyroot, by the advice of the princes and of the whole army. When we were marching in most excellent order between Tyre and Sidon, on the night of the festival of St. Severinus, Saphadin and all the armies of Babylon and Damascus with a great multitude of the Saracens appeared on the side of the mountain; they surrounded our army from the rear as far as the sea-coast, and made severe and continuous attacks on our lines, and having drawn up their forces, the wicked people exercised against us all their strength. Their purpose indeed was to pour forth all their strength against us and make trial of all our strength.

But God, the Protector of those who trust in Him, and who

frees the poor from the power of the mighty, snatched His poor from the hands of the impious, and not without great injury to the impious. For, forsooth, they left there the lord of Sidon and very many other Saracens dead, and since then they have never dared to attack us. Accordingly, on the same day we fixed our tents with delight above the river of Sidon. Since, moreover, our ships were going in advance of the army, and the Saracens who dwelt in the fortress of Beyroot saw our ships coming, terrified by fear, they left the very strongly fortified fortress of Beyroot. And on the next day following with the army we took the same fortress, which was very strongly fortified, without any difficulty.

And we found in the fortress so many weapons of arbalisters and bowmen that twenty wagons could scarcely carry them, and so many victuals that they were sufficient for 500 men for seven years. Moreover, after we had made a stay of twenty days in that place, other Saracens fearing our approach deserted the fortress which is called *Gibel* [Gibelin] and another very strong fortress which is called *Lyeche* [Laodicea]. Having heard of this, and having ascertained that all the fortresses on the coast as far as Antioch were in the hands of the Christians, we turned towards Sidon and devastated in every direction all the land which the Saracens held. Thus having routed the Saracens, by the aid of the Heavenly King, so that they never dare to appear, we hope very soon to capture the sacred city of Jerusalem. For the Saracens, having heard that our army is unanimous and strong, never dare to show themselves.

This is the reason that we strenuously exhort your reverence, as much as lies in your power, to keep the memory of us alive throughout your whole archbishopric, in behalf of our prosperity and that of all Christianity, and to compel all in your archbishopric who have taken the cross to fulfill their vows and to aid the cause of Christianity. Moreover, if any wish to remain in the land of promise, we will cause sufficient incomes to be assigned to them in the same land. Farewell.

VI. THE FIFTH CRUSADE.

These are the most valuable sources for the crusade of Frederic II. Each of the contestants tells the story from his own standpoint. We have comparatively little data for controlling their statements and determining their motives. See *Röhricht: Beiträge zur Geschichte der Kreuzzüge*, Vol. I.

1. FREDERIC II. TO HENRY III. OF ENGLAND. 1229.

Translation taken from Roger of Wendover, Bohn edition, Vol. ii, pp. 522–4. Original text in Rolls Series, Roger of Wendover, Vol. ii, pp. 365 ff. Latin.

Frederic, by the grace of God, the august emperor of the Romans, king of Jerusalem and Sicily, to his well-beloved friend Henry, king of the English, health and sincere affection.

Let all rejoice and exult in the Lord, and let those who are correct in heart glorify Him, who, to make known His power, does not make boast of horses and chariots, but has now gained glory for Himself, in the scarcity of His soldiers, that all may know and understand that He is glorious in His majesty, terrible in His magnificence, and wonderful in His plans on the sons of men, changing seasons at will, and bringing the hearts of different nations together; for in these few days, by a miracle rather than by strength, that business has been brought to a conclusion, which for a length of time past many chiefs and rulers of the world amongst the multitude of nations, have never been able till now to accomplish by force, however great, nor by fear.

Not, therefore, to keep you in suspense by a long account, we wish to inform your holiness, that we, firmly putting our trust in God, and believing that Jesus Christ, His Son, in whose service we have so devotedly exposed our bodies and lives, would not abandon us in these unknown and distant countries, but would at least give us wholesome advice and assistance for His honor, praise, and glory, boldly in the name set forth from Acre on the fifteenth day of the month of November last past and arrived safely at Joppa, intending to rebuild the castle at that place with proper strength, that afterwards the approach to the holy city of Jerusalem might be not only easier, but also shorter and more safe for us as well as for all Christians. When, therefore, we were, in the confidence of our trust in God, engaged at Joppa, and superintending the building of the castle and the cause of Christ, as necessity required and as was our duty, and whilst all our pilgrims were busily engaged in these matters, several messengers often passed to and fro between us and the sultan of Babylon; for he and another sultan, called Xaphat, his brother, were with a large army at the city of Gaza, distant about one day's journey from us; in another direction, in the city of Sichen, which is commonly called Neapolis, and situated in the plains,

the sultan of Damascus, his nephew, was staying with an immense number of knights and soldiers also about a day's journey from us and the Christians.

And whilst the treaty was in progress between the parties on either side of the restoration of the Holy Land, at length Jesus Christ, the Son of God, beholding from on high our devoted endurance and patient devotion to His cause, in His merciful compassion of us, at length brought it about that the sultan of Babylon restored to us the holy city, the place where the feet of Christ trod,[1] and where the true worshippers adore the Father in spirit and in truth. But that we may inform you of the particulars of this surrender each as they happened, be it known to you that not only is the body of the aforesaid city restored to us, but also the whole of the country extending from thence to the sea-coast near the castle of Joppa, so that for the future pilgrims will have free passage and a safe return to and from the sepulchre; provided, however, that the Saracens of that part of the country, since they hold the temple in great veneration, may come there as often as they choose in the character of pilgrims, to worship according to their custom, and that we shall henceforth permit them to come, however, only as many as we may choose to allow, and without arms, nor are they to dwell in the city, but outside, and as soon as they have paid their devotions they are to depart.

Moreover, the city of Bethlehem is restored to us, and all the country between Jerusalem and that city; as also the city of Nazareth, and all the country between Acre and that city; the whole of the district of Turon, which is very extensive, and very advantageous to the Christians; the city of Sidon, too, is given up to us with the whole plain and its appurtenances, which will be the more acceptable to the Christians the more advantageous it has till now appeared to be to the Saracens, especially as there is a good harbor there, and from there great quantities of arms and necessaries might be carried to the city of Damascus, and often from Damascus to Babylon. And although according to our treaty we are allowed to rebuild the city of Jerusalem in as good a state as it has ever been, and also the castles of Joppa, Cesarea,

[1] This is in Psalm 132. The English version is "Before thy footstool." The translation in the letter is from the Vulgate and is due to a mistake made by St. Jerome.

Sidon, and that of St. Mary of the Teutonic order, which the brothers of that order have begun to build in the mountainous district of Acre, and which it has never been allowed the Christians to do during any former truce; nevertheless the sultan is not allowed, till the end of the truce between him and us, which is agreed on for ten years, to repair or rebuild any fortresses or castles.[1]

And so on Sunday, the eighteenth day of February last past, which is the day on which Christ, the Son of God, rose from the dead, and which, in memory of His resurrection, is solemnly cherished and kept holy by all Christians in general throughout the world, this treaty of peace was confirmed by oath betweeu us. Truly then on us and on all does that day seem to have shone favorably, in which the angels sing in praise of God, "Glory to God on high, and on earth peace, and good-will toward men." And in acknowledgment of such great kindness and of such an honor, which, beyond our deserts and contrary to the opinion of many, God has mercifully conferred on us, to the lasting renown of His compassion, and that in His holy place we might personally offer to Him the burnt offering of our lips, be it known to you that on the seventeenth day of the month of March of this second indiction, we, in company with all the pilgrims who had with us faithfully followed Christ, the Son of God, entered the holy city of Jerusalem, and after worshipping at the holy sepulchre, we, as being a Catholic emperor, on the following day, wore the crown, which Almighty God provided for us from the throne of His majesty, when of His especial grace, He exalted us on high amongst the princes of the world; so that whilst we have supported the honor of this high dignity, which belongs to us by right of sovereignty, it is more and more evident to all that the hand of the Lord hath done all this; and since His mercies are over all His works, let the worshippers of the orthodox faith henceforth know and relate it far and wide throughout the world, that He, who is blessed for ever, has visited and redeemed His people, and has raised up the horn of salvation for us in the house of His servant David.

And before we leave the city of Jerusalem, we have determined

[1] Ryccardus de Sancto Germano, ad ann. 1229, gives the treaty somewhat differently. M. G. SS. Vol. XIX.

magnificently to rebuild it, and its towers and walls, and we intend so to arrange matters that, during our absence, there shall be no less care and diligence used in the business, than if we were present in person. In order that this our present letter may be full of exultation throughout, and so a happy end correspond with its happy beginning, and rejoice your royal mind, we wish it to be known to you our ally, that the said sultan is bound to restore to us all those captives whom he did not in accordance with the treaty made between him and the Christians deliver up at the time when he lost Damietta some time since, and also the others who have been since taken.

Given at the holy city of Jerusalem, on the seventeenth day of the month of March, in the year of our Lord one thousand two hundred and twenty-nine.

2. Gerold to all the Faithful. 1229.

Rolls Series, M. Paris, Chron. maj. iii, 179–184. Latin.

Gerold, patriarch of Jerusalem, to all the faithful—greeting.

If it should be fully known how astonishing, nay rather, deplorable, the conduct of the emperor has been in the eastern lands from beginning to end, to the great detriment of the cause of Jesus Christ and to the great injury of the Christian faith, from the sole of his foot to the top of his head no common sense would be found in him. For he came, excommunicated, without money and followed by scarcely forty knights, and hoped to maintain himself by spoiling the inhabitants of Syria. He first came to Cyprus and there most discourteously seized that nobleman J. [John] of Ibelin and his sons, whom he had invited to his table under pretext of speaking of the affairs of the Holy Land. Next the king, whom he had invited to meet him, he retained almost as a captive. He thus by violence and fraud got possession of the kingdom.

After these achievements he passed over into Syria. Although in the beginning he promised to do marvels, and although in the presence of the foolish he boasted loudly, he immediately sent to the sultan of Babylon to demand peace. This conduct rendered him despicable in the eyes of the sultan and his subjects, especially after they had discovered that he was not at the head of a numerous army, which might have to some extent added weight to his words. Under the pretext of defending Joppa, he marched

with the Christian army towards that city, in order to be nearer the sultan and in order to be able more easily to treat of peace or obtain a truce. What more shall I say? After long and mysterious conferences, and without having consulted any one who lived in the country, he suddenly announced one day that he had made peace with the sultan. No one saw the text of the peace or truce when the emperor took the oath to observe the articles which were agreed upon. Moreover, you will be able to see clearly how great the malice was and how fraudulent the tenor of certain articles of the truce which we have decided to send to you. The emperor, for giving credit to his word, wished as a guarantee only the word of the sultan, which he obtained. For he said, among other things, that the holy city was surrendered to him.

He went thither with the Christian army on the eve of the Sunday when "*Oculi mei*" is sung [third Sunday in Lent]. The Sunday following, without any fitting ceremony and although excommunicated, in the chapel of the sepulchre of our Lord, to the manifest prejudice of his honor and of the imperial dignity, he put the diadem upon his forehead, although the Saracens still held the temple of the Lord and Solomon's temple, and although they proclaimed publicly as before the law of Mohammed—to the great confusion and chagrin of the pilgrims.

This same prince, who had previously very often promised to fortify Jerusalem, departed in secrecy from the city at dawn on the following Monday. The Hospitalers and the Templars promised solemnly and earnestly to aid him with all their forces and their advice, if he wanted to fortify the city, as he had promised. But the emperor, who did not care to set affairs right, and who saw that there was no certainty in what had been done, and that the city in the state in which it had been surrendered to him could be neither defended nor fortified, was content with the name of surrender, and on the same day hastened with his family to Joppa. The pilgrims who had entered Jerusalem with the emperor, witnessing his departure, were unwilling to remain behind.

The following Sunday when "*Laetare Jerusalem*" is sung [fourth Sunday in Lent], he arrived at Acre. There in order to seduce the people and to obtain their favor, he granted them a certain privilege. God knows the motive which made him act thus, and his subsequent conduct will make it known. As, more-

over, the passage was near, and as all pilgrims, humble and great, after having visited the Holy Sepulchre, were preparing to withdraw, as if they had accomplished their pilgrimage, because no truce had been concluded with the sultan of Damascus, we, seeing that the holy land was already deserted and abandoned by the pilgrims, in our council formed the plan of retaining soldiers, for the common good, by means of the alms given by the king of France of holy memory.

When the emperor heard of this, he said to us that he was astonished at this, since he had concluded a truce with the sultan of Babylon. We replied to him that the knife was still in the wound, since there was not a truce or peace with the sultan of Damascus, nephew of the aforesaid sultan and opposed to him, adding that even if the sultan of Babylon was unwilling, the former could still do us much harm. The emperor replied, saying that no soldiers ought to be retained in his kingdom without his advice and consent, as he was now king of Jerusalem. We answered to that, that in the matter in question, as well as in all of a similar nature, we were very sorry not to be able, without endangering the salvation of our souls, to obey his wishes, because he was excommunicated. The emperor made no response to us, but on the following day he caused the pilgrims who inhabited the city to be assembled outside by the public crier, and by special messengers he also convoked the prelates and the monks.

Addressing them in person, he began to complain bitterly of us, by heaping up false accusations. Then turning his remarks to the venerable master of the Templars he publicly attempted to severely tarnish the reputation of the latter, by various vain speeches, seeking thus to throw upon others the responsibility for his own faults which were now manifest, and adding at last, that we were maintaining troops with the purpose of injuring him. After that he ordered all foreign soldiers, of all nations, if they valued their lives and property, not to remain in the land from that day on, and ordered count Thomas, whom he intended to leave as bailiff of the country, to punish with stripes any one who was found lingering, in order that the punishment of one might serve as an example to many. After doing all this he withdrew, and would listen to no excuse or answers to the charges which he had so shamefully made. He determined immediately to post some cross-bowmen at the gates of the city, ordering them to allow

the Templars to go out but not to return. Next he fortified with cross-bows the churches and other elevated positions, and especially those which commanded the communications between the Templars and ourselves. And you may be sure that he never showed as much animosity and hatred against Saracens.

For our part, seeing his manifest wickedness, we assembled all the prelates and all the prilgrims, and menaced with excommunication all those who should aid the emperor with their advice or their services against the Church, the Templars, the other monks of the holy land, or the pilgrims.

The emperor was more and more irritated, and immediately caused all the passages to be guarded more strictly, refused to allow any kind of provisions to be brought to us or to the members of our party, and placed everywhere cross-bowmen and archers, who attacked severely us, the Templars and the pilgrims. Finally to fill the measure of his malice, he caused some Dominicans and Minorites who had come on Palm Sunday to the proper places to announce the Word of God, to be torn from the pulpit, to be thrown down and dragged along the ground and whipped throughout the city, as if they had been robbers. Then seeing that he did not obtain what he had hoped from the above-mentioned siege, he treated of peace. We replied to him that we would not hear of peace until he sent away the cross-bowmen and other troops, until he had returned our property to us, until finally he had restored all things to the condition and freedom in which they were on that day when he entered Jerusalem. He finally ordered what we wanted to be done, but it was not executed. Therefore we placed the city under interdict.

The emperor, realizing that his wickedness could have no success, was unwilling to remain any longer in the country. And, as if he would have liked to ruin everything, he ordered the cross-bows and engines of war, which for a long time had been kept at Acre for the defense of the Holy Land, to be secretly carried onto his vessels. He also sent away several of them to the sultan of Babylon, as his dear friend. He sent a troop of soldiers to Cyprus to levy heavy contributions of money there, and, what appeared to us more astonishing, he destroyed the galleys which he was not able to take with him. Having learned this, we resolved to reproach him with it, but shunning the remonstrance and the correction, he entered a galley secretly, by an obscure way, on the

day of the Apostles St. Philip and St. James, and hastened to reach the island of Cyprus, without saying adieu to any one, leaving Joppa destitute; and may he never return!

Very soon the bailiffs of the above-mentioned sultan shut off all departure from Jerusalem for the Christian poor and the Syrians, and many pilgrims died thus on the road.

This is what the emperor did, to the detriment of the Holy Land and of his own soul, as well as many other things which are known and which we leave to others to relate. May the merciful God deign to soften the results! Farewell.

VII. *THE FINAL CAPTURE OF JERUSALEM.*

The Christians had again prepared their own ruin by a mistaken policy toward Egypt. The grand master of the Hospitalers gives the most graphic picture of the final capture of Jerusalem. See *Wilken*, VI, 629 ff.

1. The Master of the Hospitalers at Jerusalem to Lord de Melaye. 1244.

Translation taken from Matthew Paris, Bohn Edition, Vol. 1, pp. 497 ff. Original text in Rolls Series, M. Paris, Chron. maj. Vol. IV, pp; 307 ff. Latin.

To the most potent lord, M. de Melaye, brother G. of Newcastle, by the grace of God, humble master of the holy house at Jerusalem, and guardian of the poor followers of Christ—greeting.

From the information contained in our letters, which we have sent to you on each passage, you can plainly enough see how ill the business of the Holy Land has proceeded, on account of the opposition which for a long time existed, at the time of making the truce, respecting the espousing the cause of the Damascenes against the sultan of Babylon; and now wishing your excellency to be informed of other events since transpired, we have thought it worth our while to inform you that, about the beginning of the summer last past, the sultan of Damascus, and Seisser, sultan of Cracy, who were formerly enemies, made peace and entered into a treaty with the Christians, on the following conditions; namely, that they should restore to the Christians the whole of the kingdom of Jerusalem, and the territory which had been in the possession of the Christians, near the river Jordan, besides some villages which they retained possession of in the mountains, and that the Christians were faithfully to give them all the assistance in their power in attacking the sultan of Babylon.

The terms of this treaty having been agreed to by both parties, the Christians began to take up their abode in the Holy City, whilst their army remained at Gazara, in company with that of the aforesaid sultan's, to harass the sultan of Babylon. After they had been some time engaged in that undertaking, the patriarch of Jerusalem landed from the transmarine provinces; and, after taking some slight bodily rest, he was inspired with a longing to visit the sepulchre of our Lord, and set out on that pilgrimage, on which we also accompanied him. After our vow of pilgrimage was fulfilled, we heard in the Holy City that a countless multitude of that barbarous and perverse race, called Choermians, had, at the summons and order of the sultan of Babylon, occupied the whole surface of the country in the furthest part of our territories adjoining Jerusalem, and had put every living soul to death by fire and sword.

A council was on this held by the Christians living at Jerusalem, and, as they had not the power to resist these people, it was prudently arranged that all the inhabitants of the Holy City, of both sexes and of every age, should proceed, under escort of a battalion of our knights, to Joppa, as a place of safety and refuge. On that same night, after finishing our deliberations, we led the people cautiously out of the city, and had proceeded confidently half the distance, when, owing to the intervention of our old and wily enemy, the devil, a most destructive obstacle presented itself to us; for the aforesaid people raised on the walls of the city some standards, which they found left behind by the fugitives, in order by these means to recall the unwary, by giving them to believe that the Christians who had remained had defeated their adversaries. Some of our fellow-Christians hurried after us to recall us, comforting us with pleased countenance, and declaring that the standards of the Christians, which they well knew, were raised on the wall of Jerusalem, in token that they had defeated the enemy; and they, having been thus deceived, deceived us also.

We, therefore, in our exultation, returned confidently into the Holy City, thinking to dwell there safely, and many from feelings of devotion, and others in hope of obtaining and retaining possession of their inheritances, rashly and incautiously returned, either into the city itself or into the suburbs; we, however, endeavored to dissuade them from this altogether, fearing treachery from these perfidious people, and so went away from them. Not long

after our departure, these perfidious Choermians came in great force and surrounded the Christians in the Holy City, making violent assaults on them daily, cutting off all means of ingress and egress to and from the city, and harassing them in various ways, so that, owing to these attacks, hunger and grief, they fell into despair, and all by common consent exposed themselves to the chances and risk of death by the hands of the enemy. They therefore left the city by night, and wandered about in the trackless and desert parts of the mountains till they at length came to a narrow pass, and there they fell into an ambuscade of the enemy, who, surrounding them on all sides, attacked them with swords, arrows, stones and other weapons, slew and cut to pieces, according to a correct computation, about seven thousand men and women, and caused such a massacre that the blood of those of the faith, with sorrow I say it, ran down the sides of the mountain like water. Young men and virgins they hurried off with them into captivity, and retired into the Holy City, where they cut the throats, as of sheep doomed to the slaughter, of the nuns, and aged and infirm men, who, unable to endure the toils of the journey and fight, had fled to the church of the Holy Sepulchre and to Calvary, a place consecrated by the blood of our Lord, thus perpetrating in His holy sanctuary such a crime as the eyes of men had never seen since the commencement of the world.

At length, as the intolerable atrocity of this great crime aroused the devotion of all the Christians to avenge the insult offered to their Creator, it was, by the common consent of all, agreed that we should all, after asking assistance from heaven, arrange ourselves in order, and give battle to these treacherous people. We accordingly attacked them, and fought without resting from early in the morning till the close of the day, when darkness prevented us from distinguishing our own people from our enemies ; immense numbers fell on our side ; but four times as many of our adversaries were slain, as was found out after the battle. On the following (St. Luke the Evangelist's) day, the Knights Templars and Hospitalers, having recovered breath, and invoked assistance from above, together with all the other religious men devoted to this war, and their forces, and the whole army of the Christians, in the Holy Land, assembled by proclamation under the patriarch, and engaged in a most bloody conflict with the aforesaid Choer-

mians and five thousand Saracen knights, who had recently fought under the sultan of Babylon, and who now joined these Choermians; a fierce attack was made on both sides, as we could not avoid them; for there was a powerful and numerous army on both sides of us. At length, however, we were unable to stand against such a multitude, for fresh and uninjured troops of the enemy continued to come upon us, as they were ten times as numerous as we, and we wearied and wounded, and still feeling the effects of the recent battle; so we were compelled to give way, abandoning to them the field, with a bloody and dearly-bought victory; for great numbers more fell on their side than on ours.

And we were so assisted by Him who is the Saviour of souls, that not a hundred escaped by flight, but, as long as we were able to stand, we mutually exhorted and comforted one another in Christ, and fought so unweariedly and bravely, to the astonishment of our enemies, till we were at length taken prisoners (which, however, we much tried to avoid) or fell slain. Hence, the enemy afterwards said in admiration to their prisoners: "You voluntarily threw yourselves in the way of death; why was this?" To which the prisoners replied: "We would rather die in battle, and with the death of our bodies obtain glorification for our souls, than basely give way and take to flight: such people, indeed, are greatly to be feared."

In the said battle, then, the power of the Christians was crushed, and the number of slain in both armies was incomputable. The masters of the Templars and Hospitalers were slain, as also the masters of other orders, with their brethren and followers. Walter, count of Brienne, and the lord Philip de Montfort, and those who fought under the patriarch, were cut to pieces; of the Templars only eighteen escaped, and sixteen of the Hospitalers, who were afterwards sorry that they had saved themselves. Farewell.

VIII. *THE SIXTH CRUSADE.*

This letter, although not "written from the Holy Land," and the composition of an humble pilgrim, gives such valuable—and in some cases otherwise unknown—details, concerning the capture of Damietta in St. Louis' first crusade, that it has seemed wise to insert it. The king's speech is very characteristic. See *Wallon: St. Louis et son temps.*

1. Guy, a Knight, to B. of Chartres.

From Damietta,[1] *1249.*

Rolls Series, M. Paris. Chron. maj. VI, pp. 155 ff. Latin.

To his dear half-brother and well-beloved friend, master B. of Chartres, student at Paris, Guy, a knight of the household of the viscount of Melun, greeting and a ready will to do his pleasure.

Because we know that you are uneasy about the state of the Holy Land and our lord, the king of France, and that you are interested in the general welfare of the church as well as the fate of many relatives and friends who are fighting for Christ under the king's orders, therefore, we think we ought to give you exact information as to the events of which a report has doubtless already reached you.

After a council held for that purpose, we departed from Cyprus for the East. The plan was to attack Alexandria, but after a few days a sudden tempest drove us over a wide expanse of the sea. Many of our vessels were driven apart and scattered. The sultan of Cairo and other Saracen princes, informed by spies that we intended to attack Alexandria, had assembled an infinite multitude of armed men from Cairo, Babylon, Damietta and Alexandria, and awaited us in order to put us, while exhausted, to the sword. One night we were borne over the waves by a violent tempest. Toward morning the sky cleared, the storm abated, and our scattered vessels came together safely. An experienced pilot who knew all the coast in this part of the sea and many idioms, and who was a faithful guide, was sent to the masthead, in order that he might tell us if he saw land and knew where we were. After he had carefully and sorrowfully examined all the surrounding country, he cried out terrified, "God help us, God help us, who alone is able; we are before Damietta."

Indeed all of us could see the land. Other pilots on other vessels had already made the same observation, and they began to approach each other. Our lord, the king, assured of our position, with undaunted spirit, endeavored to reanimate and console his men. "My friends and faithful soldiers," said he to them, "we shall be invincible if we are inseparable in our love of one another. It is not without the divine permission that we have been brought

[1] Another translation of this letter can be found in Matthew Paris (Bohn edition), III, 411 ff.

here so quickly. I am neither the king of France nor the holy church, you are both. I am only a man whose life will end like other men's when it shall please God. Everything is in our favor, whatever may happen to us. If we are conquered, we shall be martyrs; if we triumph, the glory of God will be exalted thereby—that of all France, yea, even of Christianity, will be exalted thereby. Certainly it would be foolish to believe that God, who foresees all, has incited me in vain. This is His cause, we shall conquer for Christ, He will triumph in us, He will give the glory, the honor and the blessing not unto us, but unto His name."

In the meantime our assembled vessels approached the land. The inhabitants of Damietta and of the neighboring shores could view our fleet of 1500 vessels, without counting those still at a distance and which numbered 150. In our times no one, we believe, had ever seen such a numerous fleet of vessels. The inhabitants of Damietta, astonished and frightened beyond expression, sent four good galleys, with well-skilled sailors, to examine and ascertain who we were and what we wanted. The latter having approached near enough to distinguish our vessels, hesitated, stopped, and, as if certain of what they had to report, made ready to return to their own party; but our galleys with the fast boats got behind them and hemmed them in, so that they were compelled, in spite of their unwillingness, to approach our ships.

Our men, seeing the firmness of the king and his immovable resolution, prepared, according to his orders, for a naval combat. The king commanded to seize these mariners and all whom they met, and ordered us afterward to land and take possession of the country. We then, by means of our mangonels which hurled from a distance five or six stones at once, began to discharge at them fire-darts, stones, and bottles filled with lime, made to be shot from a bow, or small sticks like arrows. The darts pierced the mariners and their vessels, the stones crushed them, the lime flying out of the broken bottles blinded them. Accordingly, three hostile galleys were soon sunk. We saved, however, a few enemies. The fourth galley got away very much damaged. By exquisite tortures we extracted the truth from the sailors who fell alive into our hands, and learned that the citizens of Damietta had left the city and awaited us at Alexandria. The enemies who

succeeded in escaping and whose galley was put to flight, some mortally wounded, uttering frightful cries, went to tell the multitude of Saracens who were waiting on the shore, that the sea was covered with a fleet which was drawing near, that the king of France was coming in hostile guise with an infinite number of barons, that the Christians were 10,000 to one, and that they caused fire, stones, and clouds of dust to rain down. "However," they added "while they are still fatigued from the labor of the sea, if your lives and your homes are dear to you, hasten to kill them, or at least to repulse them vigorously until our soldiers return. We alone have escaped with difficulty to warn you. We have recognized the ensigns of the enemy. See how furiously they rush upon us, equally ready to fight on land or sea."

In consequence of this speech, fear and distrust seized the enemy. All of our men, assured of the truth, conceived the greatest hopes. In emulation of one another they leaped from their vessels into the barks; the water was too shallow along the shore, the barks and the small vessels could not reach the land. Several warriors, by the express order of the king, cast themselves into the sea. The water was up to their waists. Immediately began a very cruel combat. The first crusaders were promptly followed by others and the whole force of infidels was scattered. We lost only a single man by the enemy's fire. Two or three others, too eager for the combat, threw themselves into the water too quickly and owed their deaths to themselves rather than to others. The Saracens giving way, retired into their city, fleeing shamefully and with great loss. Great numbers of them were mutilated or mortally wounded.

We would have followed them closely, but our chiefs, fearing an ambuscade, held us back. While we were fighting some slaves and captives broke their chains, for the gaolers had also gone out to fight us. Only the women, children and the sick had remained in the city. These slaves and captives, full of joy, rushed to meet us, applauding our king and his army, and crying "Blessed is he who cometh in the name of the Lord." These events happened on Friday the day of our Lord's Passion; we drew from it a favorable augury. The king disembarked joyfully and safely, as well as the rest of the Christian army. We rested until the next day, when, with the aid and under the guidance of slaves who knew the country and the roads, we got possession of what remained to

be captured of the land and shore. But during the night the Saracens, who had discovered that the captives had escaped, had killed those who remained. They thus made of them glorious martyrs of Christ, to their own damnation.

In the darkness of the following night and on Sunday morning, as they lacked weapons and troops, the Saracens seeing the multitude of the Christians who were landing, their courage and firmness, and the sudden desolation of their own city, lacking leaders, superiors and persons to incite them, as well as destitute of strength and weapons for fighting, departed, taking their women and children and carrying off everything movable. They fled from the other side of the city by little gates which they had made long before. Some escaped by land, others by sea, abandoning their city filled with supplies of all kinds. That same day at nine o'clock, two captives who escaped by chance from the hands of the Saracens, came to tell us what had happened. The king, no longer fearing an ambuscade, entered the city before three o'clock without hindrance and without shedding blood. Of all who entered only Hugo Brun, earl of March, was severely wounded. He lost too much blood from his wounds to survive, for he was careless of his life, because of the reproaches which had been inflicted upon him, and rashly rushed into the midst of the enemy. He had been stationed in the front rank, at his own request, because he knew that he was an object of suspicion.

I must not forget to say that the Saracens, after having determined to flee, hurled at us a great quantity of Greek fire, which was very injurious to us, becuase it was carried by a wind which blew from the city. But this wind, suddenly changing, carried the fire back upon Damietta, where it burned several persons and fortresses. It would have consumed more property, if the slaves who had been left had not extinguished it by a process which they knew, and by the will of God, who did not wish that we should take possession of a city which had been burnt to the ground.

The king, having then entered the city in the midst of cries of joy, went immediately into the temple of the Saracens to pray and thank God, whom he regarded as the author of what had taken place. Before eating, all the Christians, weeping sweet and sacred tears of joy, and led by the legate, solemnly sang that hymn of the angels, the *Te Deum Laudamus*. Then the mass of the

blessed Virgin was celebrated in the place where the Christians in ancient times had been wont to celebrate mass and to ring the bells, and which they had now cleansed and sprinkled with holy water. In this place, four days before, as the captives told us, the foul Mohammed had been worshiped with abominable sacrifices, loud shouts and the noise of trumpets. We found in the city an infinite quantity of food, arms, engines, precious clothing, vases, golden and silver utensils and other things. In addition we had our provisions, of which we had plenty, and other dear and necessary objects brought from our vessels.

By the divine goodness, the Christian army, like a pond which is greatly swollen by the torrents pouring in, was added to each day by some soldiers from the lands of lord Ville-Hardouin and some Templars and Hospitalers, besides pilgrims newly arrived, so that we were, by God's grace, largely reinforced. The Templars and Hospitalers did not want to believe in such a triumph. In fact, nothing that had happened was credible. All seemed miraculous, especially the Greek fire which the wind carried back onto the heads of those who hurled it against us. A similar miracle formerly took place at Antioch. A few infidels were converted to Jesus Christ and up to the present time have remained with us.

We, instructed by the past, will in the future exercise much prudence and circumspection in our actions. We have with us faithful Orientals upon whom we can count. They know all the country and the dangers which it offers; they have been baptized with true devotion. While we write, our chiefs are considering what it is necessary to do. The question is whether to proceed to Alexandria or Babylon and Cairo. We do not know what will be decided. We shall inform you of the result, if our lives are spared. The sultan of Babylon, having learned what has taken place, has proposed to us a general engagement for the morrow of St. John the Baptist's day, and in a place which the two armies shall choose, in order, as he says, that fortune may decide for the men of the East or the men of the West, that is between the Christians and themselves, and that the party to whom fate shall give the victory, may glory in it, and the conquered may humbly yield. The king replied that he did not fear the enemy of Christ one day more than another and that he offered no time for rest, but that he defied him to-morrow and every day of his life, until he should take pity on his own soul

and should turn to the Lord who wishes the whole world to be saved, and who opens the bosom of His mercy to all those who turn to Him.

We tell you these things in this letter through our kinsman Guiscard. He seeks nothing else than that he may, at our expense, prepare himself for a professorship and have a fit lodging for at least two years.

We have learned nothing certain worth reporting about the Tartars. We can expect neither good faith from the perfidious, nor humanity from the inhuman, nor charity from dogs, unless God, to whom nothing is impossible, works this miracle. It is He who has purged the Holy Land from the wicked Charismians. He has destroyed them and caused them to disappear entirely from under heaven. When we learn anything certain or remarkable of the Tartars, or others, we will send you word either by letter or by Roger de Montefagi, who is to return to France in the spring, to the lands of our lord the viscount, to collect money for us.

IX. *A LIST OF OTHER LETTERS, WRITTEN BY CRUSADERS, WHICH HAVE BEEN TRANSLATED INTO ENGLISH.*

1098. (July.) **Letter from Bohemond, Godfrey, Raymond, and Hugh the Great to all Christians.**
Michaud's History of the Crusades (London, 1852), Vol. III, 360–362.

1098. (Sept. 11.) **Letter of the principal Crusaders to Pope Urban II.**
Ibid., III, 365–367.

1187. **Letter of Terricius, Master of the Temple, to all Commanders and Brethren of the Temple.**
Roger de Hoveden (Bohn Library), II, 68–69.

1188. **Letter of Conrad, son of the Marquis of Mont-Ferrat, to Baldwin, Archbishop of Canterbury.**
Roger of Wendover (Bohn Library), II, 71–72.
See Riezler in Forschungen zur Deutschen Geschichte, Vol. x, p. 111.

1188. **Letter of Patriarch of Antioch to Henry II., King of England.**
Roger de Hoveden, II, 84–85.

1188. **Letter of Terricius to Henry II., King of England.**
Ibid., II, 90–91.

1188. **Letter of Frederic I. to Saladin.**
Ibid., II, 100–102.

1190. (Oct. 21.) **Letter from Archbishop Baldwin's Chaplain to his Convent at Canterbury**
Archer: Crusade of Richard I., p. 17 (incomplete).
Dated wrongly in Archer.

1191. (Oct. 1.) Letter of Richard I. from Joppa to N., his subject.
Roger de Hoveden, II, 221.
Also in Archer: Crusade, 172–173.

1191. (Oct. 1.) Letter of Richard I. from Joppa to Abbot of Clairvaux.
Roger de Hoveden, II, 221–224.
Also in Archer: Crusade, 173–175.

1191. (About Oct. 17.) Letter of Richard I. to Saladin.
Archer: Crusade, 186–187.

1191. Letter of Richard I. to Walter, Archbishop of Rouen.
Roger of Wendover, II, 108–109.

1201. Letter of Master of the Hospital at Jerusalem to the Prior and his Brethren throughout England.
Roger de Hoveden, II, 542–545.

1220. Letter of Peter de Montacute, Master of the Temple, to A. Martel, Preceptor in England.
Roger of Wendover, II, 436–439.
This letter is wrongly placed under 1222; see Röhricht, Regesta, 936.

1221. Letter of Peter de Montacute to the Bishop of Elimenum.
Roger of Wendover, II, 433–435.

1222. Letter of P. de Albeney to the Earl of Chester and Lincoln.
Ibid., II, 435–436.

1227. Letter of Gerald, Patriarch of Jerusalem, and Others, to all Christians.
Ibid., II, 490–492.

1237. Letter of Philip, Prior of the Brotherhood of Preachers, to Pope Gregory IX.
Matthew Paris (Bohn Library), I, 56–58.

1240. Letter of Hermann of Perigord, Master of the Knights of the Temple, to Master Robert Sanford, Preceptor of the House of the said Knights in England.
Ibid., I, 303.

1244. Letter of Same to Same.
Ibid., I, 482–484.

1244. Letter of Brother G. of Newcastle to M. de Merlaye.
Ibid., I, 497–500.

1244. Letter of Robert, Patriarch of Jerusalem, to all Christians.
Ibid., I, 522–528.

1249. Letter of Robert, Count of Arras [d'Artois] to Blanche, Queen of France.
Ibid., III, 409–411.
Also translated in Michaud, III, 456–458.

1249. Letter of William de Sonnac, Master of the Soldiery of the Temple, to Master Robert Sanford.
Matthew Paris, III, 417–418.

1250. Letter to Earl Richard.
Matthew Paris, II, 366–368.

1250. Letter of John, his Chancellor, to Richard, Earl of Cornwall.
Ibid., II, 383–386.

1250. (August.) Letter of St. Louis to his Subjects.
Michaud, III, 458–464.

1252. (May 2.) Letter of Joseph of Cancy, Treasurer of the House of the Hospital of Jerusalem, at Acre, to Walter of St. Martin's.
Matthew Paris, III, 420–422.

1252. Letter of William of Orleans to Richard, Bishop of Chichester.
Ibid., II, 504.

1281. Letter from Sir Joseph de Cancy, Knight of the Hospital of St. John of Jerusalem, to King Edward I.
Published by the Palestine Pilgrims' Text Society, London, 1888.

The editor does not venture to hope that this list is complete. But even an incomplete list may be of use to teachers. Some short, unimportant letters have been omitted. In the "Letters of Saint Bernard of Clairvaux," published in the Catholic Standard Library, by Hodges, London, there are several letters relative to the Crusades (especially numbers 175 and 363) which are useful. In "Godeffroy of Bologne; or, The Siege and Conquest of Jerusalem, by William, Archbishop of Tyre, translated from the French by William Caxton," edited by Mrs. Mary Noyes Colvin, and published by the Early English Text Society, London, 1893, there are several letters, especially on pages 76 and 86.

Translations and Reprints

from the

Original Sources of European History.

Vol. I. The French Revolution. No. 5.

TABLE OF CONTENTS.

		PAGE
I.	Decree Abolishing the Feudal System, Aug. 11, 1789,	2
II.	Declaration of the Rights of Man,	6
III.	Memoir drawn up by Mirabeau, Oct. 1789,	8
IV.	The Origin of the Jacobin Club,	18
V.	Address of the National Assembly, Feb. 11, 1790,	20
VI.	The Civil Constitution of the Clergy,	25
VII.	Extract from "L'Ami du Peuple,"	32
VIII.	Opinion of Mallet du Pan,	33
IX.	The Declaration of Pilnitz,	34
	Introductory Bibliography,	35

I. DECREE OF THE NATIONAL ASSEMBLY ABOLISHING THE FEUDAL SYSTEM, AUGUST 11, 1789.

Buchez et Roux, Histoire Parlementaire II, 259 ff.

The abolition of the Feudal System which took place during the famous night session of August 4 and 5, 1789, was caused by the reading of a report on the misery and disturbances in the provinces and was carried in a fervor of enthusiasm and excitement which made some later revision necessary. The decree here given, was drawn up during the following days, and contains some alterations and important amplifications of the original provisions as passed in the early morning of August 5.[1] This document, as well as numbers II and VI, are as useful retrospectively, in clarifying the student's ideas of the *Ancien Régime* as in explaning the new system.

Article I. The National Assembly hereby completely abolishes the feudal system. It decrees that, in the case of rights and dues, both feudal and *censuel*,[2] all those originating in real or personal serfdom (*mainmorte*) or personal servitude, as well as the rights and dues representing them, shall be abolished without indemnification. All other dues are declared redeemable, the terms and mode of redemption to be fixed by the National Assembly. Those of the said dues which are not extinguished by this decree shall continue to be collected until indemnification shall take place.

II. The exclusive right to maintain pigeon-houses and dove-cotes is abolished. The pigeons shall be confined during the seasons fixed by the community. During such periods they shall be looked upon as game, and every one shall have the right to kill them upon his own land.

III. The exclusive right to hunt and to maintain unenclosed warrens is likewise abolished, and every land owner shall have the right to kill or to have destroyed on his own land, all kinds of game, observing, however, such police regulations as may be established with a view to the safety of the public.

All hunting captainries, including the royal forests, and all hunting rights [*reserve de chasse*] under whatever denomination, are likewise abolished. Provision shall be made, in a manner compatible with the regard due to property and liberty, for maintaining the personal pleasures of the king.

---

[1] These may be found in the Histoire Parlementaire II., 242-3.

[2] This refers to the *cens*, a perpetual due similar to the payments made by English copy-holders.

The president of the assembly shall be commissioned to ask of the King the recall of those sent to the galleys or exiled, simply for violation of the hunting regulations, as well as for the release of those at present imprisoned for offences of this kind, and the dismissal of such cases as are now pending.

IV. All manorial courts are hereby suppressed without indemnification. But the magistrates of these courts shall continue to perform their functions until such time as the National Assembly shall provide for the establishment of a new judicial system.

V. Tithes of every description, as well as the dues which have been substituted for them, under whatever denomination they are known or collected (even when compounded for), possessed by secular or regular congregations, by holders of benefices, members of corporations [*gens de mainmorte*], including the Order of Malta and other religious and military orders, as well as those devoted to the maintenance of churches, those impropriated to lay persons and those substituted for the *portion congrue*,[1] are abolished, on condition, however, that some other method be devised to provide for the expenses of divine worship, the support of the officiating clergy, for the assistance of the poor, for repairs and rebuilding of churches and parsonages, and for the maintenance of all institutions, seminaries, schools, academies, asylums, and organizations to which the present funds are devoted. Until such provision shall take place and the former possessors shall enter upon the enjoyment of an income on the new system, the National Assembly decrees that the said tithes shall continue to be collected according to law and in the customary manner.

Other tithes, of whatever nature they may be, shall be redeemable in such manner as the Assembly shall determine. Until such regulation shall be issued, the National Assembly decrees that these, too, shall continue to be collected.

VI. All perpetual ground rents, payable either in money or in kind, of whatever nature they may be, whatever their origin and to whomsoever they may be due, as to members of corporations, holders of the domain or of appanages or to the Order of Malta, shall be redeemable. *Champarts*,[2] of every kind and under all denominations, shall

---

[1] This expression refers to the minimum remuneration fixed for the priests.

[2] The *champart* was the right of the lord to a certain portion of the crops on lands subject to the *cens*.

likewise be redeemable at a rate fixed by the Assembly. No due shall in the future be created which is not redeemable.

VII. The sale of judicial and municipal offices shall be suppressed forthwith. Justice shall be dispensed *gratis*. Nevertheless, the magistrates at present holding such offices, shall continue to exercise their functions and to receive their emoluments until the Assembly shall have made provision for indemnifying them.

VIII. The fees of the country priests are abolished, and shall be discontinued so soon as provision shall be made for increasing the minimum salary [*portion congrue*] of the parish priests and the payment to the curates [*vicaires*]. A regulation shall be drawn up to determine the status of the priests in the towns.

IX. Pecuniary privileges, personal or real, in the payment of taxes are abolished forever. Taxes shall be collected from all the citizens, and from all property, in the same manner and in the same form. Plans shall be considered by which the taxes shall be paid proportionally by all, even for the last six months of the current year.

X. Inasmuch as a national constitution and public liberty are of more advantage to the provinces than the privileges which some of these enjoy, and inasmuch as the surrender of such privileges is essential to the intimate union of all parts of the realm [*empire*], it is decreed that all the peculiar privileges, pecuniary or otherwise, of the provinces, principalities, districts [*pays*], cantons, cities and communes, are once for all abolished and are absorbed into the law common to all Frenchmen.

XI. All citizens, without distinction of birth, are eligible to any office or dignity, whether ecclesiastical, civil, or military, and no profession shall imply any derogation.

XII. Hereafter no remittances shall be made for annates or for any other purpose to the court of Rome, the vice-legation at Avignon, or to the nunciature at Lucerne. The clergy of the diocese shall apply to their bishops in regard to the filling of benefices and dispensations, the which shall be granted *gratis* without regard to reservations, expectancies and papal months, all the churches of France enjoying the same freedom.

XIII. The rights of *déport*[1], of *cotte-morte*[2], *dépouilles*[2], *vacat*[1],

---

[1] Rights of bishops to the income of benefices during vacancies.

[2] Rights of the convent to the clothes of its deceased members.

droits censaux, Peter's pence, and other dues of the same kind, under whatever denomination, established in favor of bishops, arch-deacons, arch-presbyters, chapters, and regular congregations which formerly exercised priestly functions [*curés primitifs*] are abolished, but appropriate provision shall be made for those benefices of arch-deacons and arch-presbyters which are not sufficiently endowed.

XIV. Pluralities shall not be permitted hereafter in cases where the revenue from the benefice or benefices held shall exceed the sum of three thousand livres. Nor shall any individual be allowed to enjoy several pensions from benefices, or a pension and a benefice, if the revenue which he already enjoys from such sources exceeds the same sum of three thousand livres.

XV. The National Assembly shall consider, in conjunction with the King, the report which is to be submitted to it relating to pensions, favors, and salaries, with a view to suppressing all such as are not deserved and reducing those which shall prove excessive, and the amount shall be fixed which the king may in the future disburse for this purpose.

XVI. The National Assembly decrees that a medal shall be struck in memory of the recent grave and important deliberations for the welfare of France, and that a *Te Deum* shall be chanted in gratitude in all the parishes and the churches of France.

XVII. The National Assembly solemnly proclaims the King, Louis XVI., the *Restorer of French Liberty.*

XVIII. The National Assembly shall present itself in a body before the King, in order to submit to him the decrees which have just been passed, to tender to him the tokens of its most respectful gratitude and to pray him to permit the *Te Deum* to be chanted in his chapel, and to be present himself at this service.

XIX. The National Assembly shall consider, immediately after the constitution, the drawing up of the laws necessary for the development of the principles which it has laid down in the present decree. The latter shall be transmitted without delay by the deputies to all the provinces, together with the decree of the tenth of this month, in order that it may be printed, published, announced from parish pulpits, and posted up wherever it shall be deemed necessary.

II. DECLARATION OF THE RIGHTS OF MAN AND OF THE CITIZEN.

Buchez et Roux, Histoire Parlementaire XI, pp. 404 ff.

A declaration of the rights of man, which had been demanded by many of the *cahiers*, was the part of the new constitution which the Assembly decided (Aug. 4) should be first drawn up. The members recognized that they were imitating an American precedent in doing this. Our first state constitutions, several of which are preceded by elaborate bills of rights, had very early been translated into French. An interesting comparison may be made between the spirit and aim of the French declaration and of those of our own country. The first ten amendments to our constitution, which form a bill of rights, were not proposed in Congress until Sept. 25, 1789 and could, of course, have exercised no influence upon the National Assembly.

The representatives of the French people, organized as a national assembly, believing that the ignorance, neglect or contempt of the rights of man are the sole causes of public calamities and of the corruption of governments, have determined to set forth in a solemn declaration, the natural, inalienable and sacred rights of man, in order that this declaration, being constantly before all the members of the social body, shall remind them continually of their rights and duties; in order that the acts of the legislative power, as well as those of the executive power, may be compared at any moment with the ends of all political institutions and may thus be more respected; and, lastly, in order that the grievances of the citizens, based hereafter upon simple and incontestable principles, shall tend to the maintenance of the constitution and redound to the happiness of all. Therefore the national assembly recognizes and proclaims in the presence and under the auspices of the Supreme Being the following rights of man and of the citizen:—

Article 1. Men are born and remain free and equal in rights. Social distinctions may only be founded upon the general good.

2. The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.

3. The principle [*principe*] of all sovereignty resides essentially in the nation. No body nor individual may exercise any authority which does not proceed directly from the nation.

4. Liberty consists in the freedom to do everything which injures no one else; hence the exercise of the natural rights of each man has no limits except those which assure to the other members of the society the

enjoyment of the same rights. These limits can only be determined by law.

5. Law can only prohibit such actions as are hurtful to society. Nothing may be prevented which is not forbidden by law, and no one may be forced to do anything not provided for by law.

6. Law is the expression of the general will. Every citizen has a right to participate personally or through his representative in its formation. It must be the same for all, whether it protects or punishes. All citizens, being equal in the eyes of the law, are equally eligible to all dignities and to all public positions and occupations, according to their abilities and without distinction, except that of their virtues and talents.

7. No person shall be accused, arrested or imprisoned except in the cases and according to the forms prescribed by law. Any one soliciting, transmitting, executing or causing to be executed any arbitrary order shall be punished. But any citizen summoned or arrested in virtue of the law shall submit without delay, as resistance constitutes an offence.

8. The law shall provide for such punishments only as are strictly and obviously necessary, and no one shall suffer punishment except it be legally inflicted in virtue of a law, passed and promulgated before the commission of the offence.

9. As all persons are held innocent until they shall have been declared guilty, if arrest shall be deemed indispensable, all severity not essential to the securing of the prisoner's person shall be severely repressed by law.

10. No one shall be disquieted on account of his opinions, including his religious views, provided their manifestation does not disturb the public order established by law.

11. The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law.

12. The security of the rights of man and of the citizen requires public military force. These forces are, therefore, established for the good of all and not for the personal advantage of those to whom they shall be entrusted.

13. A common contribution is essential for the maintenance of the public forces and for the cost of administration. This should be equitably distributed among all the citizens in proportion to their means.

14. All the citizens have a right to decide, either personally or by their representatives, as to the necessity of the public contribution; to grant this freely; to know to what uses it is put; and to fix the proportion, the mode of assessment, and of collection, and the duration of the taxes.

15. Society has the right to require of every public agent an account of his administration.

16. A society in which the observance of the law is not assured, nor the separation of powers defined, has no constitution at all.

17. Since property is an inviolable and sacred right, no one shall be deprived thereof except where public necessity, legally determined, shall clearly demand it, and then only on condition that the owner shall have been previously and equitably indemnified.

III. MEMOIR DRAWN UP BY THE COUNT OF MIRABEAU

After the events of the fifth and sixth of October, 1789, and delivered by the Count of La Marck to Monsieur the Count of Provence, the King's brother, Oct. 15.

Correspondance entre Mirabeau et le Compte de la Marck, I, 364-382.

Mirabeau is generally recognized as the ablest statesman in France during this period. After the "October days" he was brought into communication with the King and retained some influence over the policy of the court until his death (April, 1791). His first communication to Louis XVI. is given almost in full and is, perhaps, the most interesting and accurate contemporary review of the general political situation immediately after the transfer of the King and the Assembly to Paris.

The King could not refuse to come to Paris, and whether the National Assembly could have refused to follow him or not, it had not in any case the power to detain him. Is the King free in Paris? He is in the sense that no foreign will has taken the place of his own, but he is certainly not at liberty to leave Paris. He may not select those who guard his person; he cannot even exercise any direct control over the militia [*milice*] to whom his safety is confided. The National Assembly is free in Paris so far as its deliberations are concerned, but it could not adjourn to another town in the kingdom, nor can it guarantee to the delegate of the nation[1] more freedom than he already has.

[1]The King.

The position of the King is obviously prejudicial to the success of the revolution. The condition of affairs is not such indeed that the decrees of the Assembly and the sanction or acceptance of the monarch, which is inseparably connected with them, may be looked upon as the result of compulsion, as the enemies of the revolution never tire of repeating to the people. But this state of affairs offers a pretext for disobedience, leads to protests, furnishes hopes and supplies a means for leading even the best intentioned citizens astray, and may serve as a cloak for the schemes of the *parlements* and of the nobility. Two protests have already appeared; the attitude of some of the provinces is doubtful, and the obedience of some of the commanders of the troops is uncertain. All this is sufficient to show how important it is to the safety of the state that no excuse should he left to the ill-intentioned, if the revolution is to be peacefully consummated.

Will the King enjoy in Paris even entire personal security? Placed as he is, the least mischance may compromise his safety! It is threatened by external movements, commotions within, party divisions, the errors of enthusiasm and of impatience, and, above all, by the violent collision of the capital with the provinces. Although Paris is powerful it contains many causes for disturbance. Its inhabitants, when excited, are irresistible. Winter is approaching and food may be wanting. Bankruptcy may be declared. What will Paris be three months hence? Assuredly a poor-house, perhaps a theatre of horrors. Is it to such a place that the head of the nation should entrust his existence and our only hope?

The ministers are without resources. Only one of them enjoys any popularity, and he has always been supported rather by certain enthusiastic admirers than by a party. But his resources are well known, and he has just shown himself in his true light. His empty brain has never contemplated more than to prop up here and there an edifice which is giving away at every point. He is anxious to prolong the death agony until the moment he has chosen for his political retirement, when, as in 1781, he plans to leave an asserted balance between the receipts and expenditures, and some millions in the Royal Treasury. Whether his plan succeeds or not, his success cannot extend beyond a few months, and and this destructive financier can only give Paris a moment's breathing space by ruining the kingdom. This is not a mere conjecture, but is a result reached with the certainty of mathematical demonstration. What will become of the nation after this useless attempt, which renders bank-

ruptcy inevitable? We are only weary and discouraged as yet; it is the moment of despair which is to be feared.

The provinces are not disrupted, but they are watching each other suspiciously, and incipient disunion portends a storm. The transfer of provisions is more and more interrupted. The number of discontented is increased as an unavoidable result of even the best advised decrees of the Assembly. A nation must, in the last analysis, be measured by the work it does; but the nation is out of the habit of work. Public strength lies only in public opinion, and in the revenues of the state. But every bond of public opinion is severed. Only the direct taxes are paid at all, and these only partially, although the half of our taxes are indirect. Several years will be required to replace what six months have just destroyed, and the impatience of the people, which is increased by their misery, is apparent on every hand.

A still more fatal emergency is to be anticipated. The National Assembly, which is so badly constituted in principle, composed as it is of discordant factions laboriously brought together, can see that each day the confidence in its work is diminishing. The best intentions do not prevent mistakes. The Assembly is forced to deviate from its proper policy owing to the unfortunate fact that it declared its earlier decrees irrevocable and now, not venturing to contradict itself or to retrace its steps, it thus finds another hindrance of its own creation in the way of its power. The respect which an exalted title and a great revolution seen from afar, inspires, as well as hope, so essential to the people, still sustains it. But each day this great cause is deserted by a portion of those who make public opinion, although it demands the closest co-operation of every faction and party in the realm. The people are, moreover, only informed of the almost inevitable mistakes of a legislative body which is too numerous, whose footing is insecure and which has gone through no apprenticeship; no emphasis is laid upon the ease with which such mistakes could be corrected by the next legislature. A commotion is secretly preparing which may cause the loss, in a single day, of the fruits of the most severe effort. The body politic is on the point of dissolution. It must have a transfusion of new blood.

The only way to save the state and the nascent constitution is to put the King in a position which will allow him, without delay, to unite with his people.

Paris has long swallowed up the taxes of the kingdom. Paris is the seat of the financial régime which the provinces loathe. Paris has

created the debt. Paris, by its miserable stock-gambling, has destroyed public credit, and has compromised the honor of the nation. Must the National Assembly, too, regard this city only and sacrifice the whole kingdom for it? Several provinces fear that the capital will dominate the Assembly and direct the course of its work. Paris demands only certain financial measures, while the provinces care only for agriculture and farming. Paris cares only for money, the provinces require laws. The dissensions between Paris and the provinces are clearly recognized, and will break forth on the least excuse.

What then is to be done? Is the King free? His freedom is not complete, nor is it recognized. Is the King safe? I do not think so. Can even Paris save him alone? No; Paris is lost if she is not brought to order and forced to moderation. The necessity of supplies places her at the mercy of the rest of the kingdom, and her inevitable ruin would result from a prolongation of the anarchic tyranny in which only her deceiving and deceived leaders, who are forced into a policy of unmeasured innovation by their own excesses, have any interest. Will the National Assembly finish its session without being harassed by the disturbances which a thousand circumstances lead us to anticipate? He would be bold certainly, who should guarantee this!

Should no successful effort be made to give another direction to public opinion, to enlighten the people as to their true interests, to prepare, by instructions given to constituents, the spirit of the new legislature, will the state recover its tranquillity, the army its strength, the executive power its influence and the monarch his real rights, whose exercise is essential to public liberty? Or will the monarchy be shaken to its foundation and very probably dismembered, that is to say, dissolved? It is easy to forsee what is to be apprehended by what has already happened. Other measures must obviously be taken, as all the facts clearly indicate.

Several methods present themselves, but there are those which would entail the most terrible evils and which I only mention to deter the King from a course which would mean certain destruction. To withdraw to Metz—or upon any other frontier, would be to declare war upon the nation and abdicate the throne. A king, who is the only safeguard of his people, does not fly before his people. He accepts them as the judge of his conduct and principles. He does not sever at a stroke all the bonds which unite them to him. He does not excite all manner of suspicion against himself, nor does he place himself in a position where

he can only re-enter his possessions with arms in his hands, or be reduced to supplicate foreign aid.

Who can say to what a state of frenzy the French nation might be aroused if it saw its king abandoning it in order to join a group of exiles, and become one of them himself, or how it would prepare for resistance and oppose the forces he might collect. Even I should denounce the monarch after such an act.

To withdraw into the interior of the kingdom and call together the entire nobility, would be a policy no less hazardous. Justly or not, the whole nation, which in its ignorance confuses nobility and aristocracy, has long looked upon the gentry *en masse* as their implacable enemies. The abolition of the feudal system was the expiation of ten centuries of madness. The disturbance might have been lessened, but now it is too late and the decree is irrevocable. To join the nobility would be worse than for the King to throw himself into a foreign and hostile army. He has to choose between a great nation and a few individuals, between peace and civil war carried on upon exceedingly unequal terms.

Would the King's safety be assured should he choose this alternative? A body of nobility is not an army which can fight, nor is it a province which can intrench itself. Would not the greater part of this nobility have their throats cut even before they could be brought together? Would not their possessions have been already annihilated? Should the nobility be called together in order to induce them to consent to new sacrifices, the deadly blow would be dealt before any explanation or understanding could take place. If, on the other hand, it were the plan to restore to them everything which general opinion and more enlightened reason has abolished, in the way of their exemptions and privileges, is it possible that peace and the collection of the taxes could be re-established within a nation, deluded by this very restoration of the dearest and most just of its hopes?

To withdraw with a view of regaining his liberty, and in order to denounce the Assembly to the people and break off all connections with it, would be a less violent step than the two already mentioned, but in no way less dangerous. It would compromise the King's safety and would likewise precipitate civil war, since a great part of the provinces are willing to defend the decrees of the Assembly—which with all their faults contain more errors of an administrative character than violations of principle—and the people can not fail to see that the Assembly is at bottom very advantageous for them. Moreover, the enlightened portion of

this nation knows that it must yield obedience provisionally even to the mistaken decrees of a legislative body, for without this no form of constitution could ever be established. The King would, therefore, have on his side neither the nobility, whose passions he would not share, nor his people, whose schemes he had not espoused. Or rather the first step, which can not be taken by itself, would entail many others, and the King would fall into one of the evil plights of which I have just pointed out the danger.

It is certain, in short, that a great revolution is necessary to save the kingdom, that the nation has rights, that it is on the way to recover them all and that it is not sufficient simply to re-establish them, but they must be consolidated, that a national convention can alone regenerate France, that the Assembly has already made several laws which it is indispensable to adopt, and that there is no safety for the King and for the state, except in the closest alliance between the monarch and his people.

All the methods which I have mentioned having been rejected, I will make the following observations upon a final plan which is certainly not without peril. But it must not be hoped that escape can be effected from great danger without some risk, and all the powers of statesmen should now be directed towards preparing for, moderating, guiding and tempering the crisis, and not towards preventing one altogether, which is quite impossible. For the crisis can not even be delayed without rendering it more violent.

This last plan can be carried out by the simplest means. The preparations should undoubtedly be made almost to their most trifling details, but they ought not to be communicated to those who are to execute the plan, until the final resolution is taken. The minister is not, or at least, is not generally recognized to be, sufficiently well intentioned to make it possible to submit the plan to him. All would be lost if any indiscretion should expose a scheme, which, through ignorance of its aim and results, might be looked upon as a conspiracy, although the safety of the state is its only aim. No others should be admitted to the secret except those directly concerned in its execution. Having once selected the leaders, they must be allowed perfect liberty in respect to means and and the choice of agents for, alas! our misfortune is such that we must proceed with the same mystery in doing good that the enemies of our country employ in injuring it, The following are the most important points:—

The way for the King's withdrawal would be prepared and the attitude of the provinces already determined by certain events which can easily be foreseen. It is impossible that the King's real want of freedom, if he attempt to make use of it, should not be clearly proved by refusals or by insulting precautions. It is inevitable that the militia of Paris will exceed their true functions, if an effort is made to reduce them to what they should be. It is impossible that, if an attempt should be made to negotiate for the entire freedom of the King, even on condition of his remaining in the capital, and the legislative body were appealed to for support, that the true position of the King should not be immediately revealed, and that the National Assembly should not see its own security and even its existence threatened, within the walls of Paris. This would not be the creation of a new order of things but a demonstration of the existing status. Nor is it difficult to foresee that, during the delay which the departure of the King may demand, we shall see new protests from the *parlements* or the towns or other bodies whose ill-intentions will second, in a sense, the public cause by showing more and more clearly the necessity of changing the position of the King. The reason for the departure of the King will then be sufficiently established. The public safety imperatively demands it.

Several measures should be taken to render the safety of the King's withdrawal not even uncertain. His guards must be kept systematically scattered. There are a thousand pretexts for arranging the sudden assembling of 10,000 men, composed exclusively of national regiments, which could be stationed in three days at a point nearly equally distant from Rouen and Paris, and about twenty or twenty-five leagues from each city. If the provinces, which is almost impossible to conceive, should misunderstand this step, which the safety of all demands, reliable leaders should be ready to form a second line, capable of repressing the ill-disposed and of cutting off communication with the suspected districts. This precaution would give time to enlighten the people, and public opinion would soon constitute itself the real army of defence. All this can easily be carried out without the aid of the ministers and by means of special influence brought to bear upon the garrisons.

Having taken these precautions, the King may leave the palace in open day and retire to Rouen. He should select this city or its environs, because it is in the centre of the kingdom, because a military position, taken up at just this point, commands a wide range of waterways, controls the food supply of the only centre of resistance which need be con-

sidered, and may change this resistance into benedictions, if the beneficence of the King, his efforts and personal sacrifices, should succeed in restoring plenty. Rouen is farther to be selected, inasmuch as such a choice proclaims that there is no intention of flight, and that the only object is to conciliate the provinces. Normandy is, moreover, very thickly populated and its inhabitants have more tenacity than other Frenchmen. It would be easy to unite this province with those of Brittany and Anjou, which would together form an irresistible force in themselves.

Before the King's departure, a proclamation should be prepared, addressed to all the provinces, in which the King should say among other things, that he is about to throw himself into the arms of his people; that violence has been done him at Versailles; that he was in a measure watched at Paris, and was not free to come and go as every citizen is and ought to be. For the truth of these statements proofs should be furnished. The King should say, moreover, that he recognizes that this situation serves as an excuse to the ill-disposed not to obey the decrees of the National Assembly and the sanction given by him to these decrees, all of which could easily compromise a revolution in which he is as much interested as the most ardent friends of liberty; that he hopes to be inseparable from his people, and that the selection which he has made of Rouen proves this beyond controversy; that he is the first king of his race who has formed the purpose of investing the nation with all its rights, and that he has persisted in this design in spite of his ministers and the counsels by which princes are corrupted; that he has adopted without reserve such and such decrees of the National Assembly; that he renews his sanction and acceptance, and that his sentiments in this matter are unchangeable. He should say further, that certain other decrees did not seem to him quite favorable enough to his people; that certain others have not, perhaps, been sufficiently maturely considered, and that he is anxious that the nation should have an opportunity of freely reconsidering these matters, without, however, in any way interfering with the provisional observation of decrees already duly passed.

The proclamation should announce that the King is about to call the National Assembly to him in order that it may continue its work, but that he will soon summon a new convention to judge, confirm, modify and ratify the work of the first assembly; that he is desirous above all that the national debt should be sacred; that no compromise is possible, since this is a matter where the honor of the nation, and conse-

quently his own, is concerned: neither is any compromise possible in the matter of the continued existence of the *parlements*, which he has always regarded as the greatest scourge of his people, and which the National Assembly has undoubtedly delayed too long in abolishing; that it is time to instruct the nation that these bodies which claimed never to have acted otherwise than as a barrier against the king's power, were no less the enemy of the nation than of the monarch; that their self-interest and ambition have always been the real motive for their assumed watchfulness; that their true purpose, exhibited by their union with the nobility, with all the discontented elements, and with all the enemies of the public good, is to found their power upon anarchy, to destroy the bonds of obedience, in order to undermine the authority of the king, or to second, on occasion, his authority in order to place itself in opposition to the nation and to foster, by this balancing and opposition of forces, a judicial aristocracy, which of all forms of corrupt government would obviously be the most tyrannical.

The King should state that he is ready to submit to the greatest personal sacrifices, since there are to be no more promises of economy which are never carried out; that he will live like a private individual; that a million will suffice him for his own personal expenses and those incurred as head of a family; that he asks no more, and requires but a single table for himself and his family; that all the luxury of the throne should consist in the perfecting of the civil government and in the wise liberality of distinctly national outlays; that the creditors of the government are no longer to be deluded with vain promises; that, compelled as they are to submit to payment in partial installments, he asks that the nation pledges at least all available property; that in order to escape from the inextricable confusion of the public finances, he is on the point of issuing a summons to all the creditors of the state, in order to learn the total public indebtedness, and will negotiate with the representatives of these creditors in order to submit something other to them than uncertain and disastrous operations, which can only serve to render the nation more and more apprehensive.

The King should declare that, although he has resolved upon all possible personal sacrifice, he by no means holds that the same retrenchments can be applied to all the payments which have, for a long time, been granted to a host of citizens who have at present no other means of support, and he requests the nation to consider that public peace is not to be successfully re-established by ruining and driving to despair so many

thousand persons ; that for the rest he takes his people to witness as to his personal conduct in the past ; that he will not subdue them by arms, but by his love ; that he confides his honor and safety to French loyalty ; that he only wishes the happiness of the citizens ; and that his own pleasure is of no further importance. This proclamation of a good king, this peace manifesto at once firm and popular, ought to be forwarded by extraordinary couriers to all the provinces, and all those in command should be notified to be on their guard.

Another proclamation should be sent to the National Assembly to announce the departure of the King and the choice of a place to which to withdraw, with the request to consider whether they too ought not to betake themselves thither. The King should set forth in his letter the reasons which he had for leaving Paris, The Assembly would undoubtedly adjourn to the place indicated by the King if it were free to do so. If, after deciding upon this, it should be clear that the members were not free to go, the session would be *ipso facto* terminated, even if illegally prolonged. And if the Assembly should continue to deliberate after its want of freedom had been demonstrated, its farther proceedings would all bear the stamp of violence. If the Assembly should vote to continue its sessions at Paris in spite of the decree by which it is declared inseparable from the monarch, such a decision could only be dictated by fear and the want of liberty. But in that case the same influences would be seen in all subsequent deliberations, and would soon be revealed and recognized in the provinces. The existence of a secret constraint would be proved by the confessions of individual members of the Assembly, by their correspondence, and by hostile demonstrations at Paris, there would thus be every reason for convoking a legislative body. In any case the King should take farther measures, either through his present ministry or through one he should immediately choose.

Proclamations should follow one another, and the King should by this means instruct his people in their true interests. The public creditors having been called together and organized, it ought to be easy to enter into very fruitful negotiations with them.

The prevailing spirit of the National Assembly will necessarily be partially modified by the alteration of public opinion in the provinces. If any districts should offer resistance, the executive power, authorized by the National Assembly, should make use of all its forces. All good citizens everywhere would co-operate with the King, and it would soon be clear how potent, with a faithful and generous nation, is the respect

and affection for a good prince who has ever desired the good, and who is himself more unhappy than his people. . . . . .[1]

The only point upon which the King should be inflexible is the refusal to enter into any plan which has not, for its single aim, the peace and safety of the state and the inseparability of monarch and people. This inseparability is felt in the heart of every Frenchman. It must be realized in action and in the forces of the state.

IV. ORIGIN OF THE JACOBIN CLUB.

Alexandre de Lameth, L'histoire de l'Assembée Constituante, I, 422.

The spontaneous and almost inevitable origin of the Jacobin Club is here described by one of its former prominent members. The constitution of the society and the lists of its affiliated clubs (numbering 406 in June, 1791), are given by Aulard (La Société des Jacobins I, xxviii ff. and lxxxi ff.). The list of members of the club at Paris, printed December 21, 1790, contained more than 1100 names. (Aulard, xxxiii ff.)

After the transfer of the Assembly to Paris, the deputies from provinces which were distant from the capital, and who, for the most part, had never visited Paris (for traveling was not so easy then as it is now), experienced a sort of terror at the idea of being alone and, so to speak, lost in the midst of this hugh city. They almost all, consequently, endeavored to lodge as near as possible to the Assembly, which then sat near the Feuillants (at the point where the Rue Rivoli and the Rue Castiglione intersect) in order that they might be easily found in case of necessity. But they were desirous that there should also be a place where they might meet to agree upon the direction of public matters. They applied to residents of the capital in whom they had confidence ; a search was made in the neighborhood of the Assembly and the refectory of Convent of the Jacobins was leased for two hundred francs a year. The necessary furniture, which consisted of chairs and tables for the committee, was procured for a like sum.

At the first session about one hundred deputies were present, the next day double that number. The Baron de Menou was elected President, and Target, Barnave, Alexandre Lameth, Le Chapelier and Adrien

---

[1]Something over a page, here omitted, deals with questions of when the plan should be carried out. Mirabeau says preparations should be begun at once and then a favorable juncture selected, as it is unsafe to wait until the *Constituante* breaks up.

du Port were elected secretaries, as well as three others whose names have escaped me. A committee was chosen to draw up a list of regulations: Barnave was the chairman. The society determined on the name, *Friends of the Constitution.* It was determined that all the members of the Assembly should be admitted, but only such other persons should be received as had published useful works. The first to be thus received were Condorcet, the Marquis de Casotte, a distinguished economist, the Abbé Lecamus, a mathematician, and a small number of other savants or publicists.

The aim of the Society of the Friends of the Constitution was to discuss questions which were already or were about to be placed upon the calendar of the National Assembly. It cannot be denied that, inasmuch as the non-deputies exercised no influence upon these discussions, they often had more force and brilliancy than in the Assembly itself, where one found himself hindered by the violent contradictions of the right wing, and often intimidated by a crowd of spectators. This preliminary consideration shed a great deal of light upon the discussions. The resolve to decide within the society itself, by preliminary ballots, the nominees for president, secretaries and the committees of the Assembly, proved a great advantage to the popular party. For from that time the elections were almost always carried by the left, although up to that time they had been almost entirely controlled by the right. Camus, an ecclesiastical lawyer, then president and since become a Republican, had been elected by the aristocracy.

The number of the deputies who customarily frequented the Society of the Friends of the Constitution quickly rose to nearly four hundred. The number of writers also increased in a marked ratio. But it was not long before the condition of having published a useful book was no longer required for admission to the Society, and it was decided that it was sufficient to have been recommended by six members. The organization then grew larger, and no longer possessed the same solidity in its composition. Very soon the place of meeting became insufficient, and permission was obtained of the monks of the convent to meet in their library and later in their church.

Along in December, 1789, many of the leading inhabitants of the provinces, having come to Paris either on private business or to follow more closely the course of public affairs, had themselves introduced at the society and expressed a desire to establish similar ones in the chief cities of France. For they felt that these associations of citizens intent

upon defending the cause of public interest would form an efficient means of counteracting the violent opposition of the aristocracy, which had not yet lost the power which it had so long exercised.

V. ADDRESS OF THE NATIONAL ASSEMBLY TO THE FRENCH PEOPLE. FEB. 11, 1790.

Buchez et Roux Histoire Parlementaire. Vol. IV, pp. 329, ff.

The National Assembly, as it progresses in its work, is receiving upon every hand the felicitations of the provinces, cities, and villages, testimonials of the public satisfaction and expressions of grateful appreciation; but murmurs reach it as well, from those who are affected or injured by the blows aimed at so many abuses and prejudices. While occupied with the wellfare of all, the assembly is solicitous in regard to particular ills. It can forgive prejudice, bitterness and injustice, but it feels it to be one of its duties to warn you against the influence of calumny, and to quiet the empty terrors which some are vainly trying to arouse in you. To what have they not resorted in order to mislead and discourage you? They pretend to be unaware of the good that the National Assembly has accomplished; this we propose to recall to your mind: objections have been raised against what has been done; these we propose to meet: they have disseminated doubts and anxiety as to what we propose to do in the future; this we will explain to you.

What has the assembly accomplished? In the midst of storms, it has, with a firm hand, traced the principles of a constitution which will assure your liberty for ever. The rights of man had been misconceived and insulted for centuries: they have been re-established for all humanity in that declaration, which shall serve as an everlasting war-cry against oppressors and as a law for the legislators themselves. The nation had lost the right to decree both the laws and the taxes: this right has been restored to it, while at the same time the true principles of of monarchy have been solemnly established, as well as the invioliability of the august head of the nation and the heredity of the throne in a family so dear to all the French. Formerly you had only the estates general, now you have a national assembly of which you can never be again deprived. In the estates general, the orders, which were necessarily at odds and under the domination of ancient pretentions, dictated the decrees and could check the free action of the national will. These

orders no longer exist; all have disappeared before the honorable title of citizen. All being citizens alike, you demanded citizen-defenders and, at the first summons, the national guard arose, which, called together by patriotism and commanded by honor, has everywhere maintained or established order and watches with untiring zeal over the safety of each for the benefit of all.

Privileges without number, irreconcilably at enmity with every good, made up our entire public law. These have been destroyed and at the word of this assembly, the provinces which were the most jealous of theirs, applauded their disappearance, feeling that they gained rather than lost thereby. A vexatious feudal system, powerful even in its ruin, covered the whole of France; it has now disappeared never to return. In the provinces, you were subject to a harassing administration: from this you have been freed. Arbitrary commands threatened the liberty of the citizens; they have been done away with. You desired a complete organization of the municipalities: this you have just received and the creation of these bodies, chosen by your votes, offers, at this moment, a most imposing spectacle. At the same time, the National Assembly has finished the task of a new division of the kingdom which could alone serve to remove the last trace of former prejudices, substitute for provincial selfishness, the true love for one's country, serve as the basis of a just system of representation, and determine the rights at once of every man and of every canton in proportion to the importance of their relations to the state.[1] This was a difficult problem whose solution remained unknown until our day. .....[2] This, Frenchmen, is our work, or rather yours, for we are only your organ and you have enlightened, encouraged and sustained us in our labors. What a glorious period is this which we at last enjoy! How honorable the heritage which you may transmit to your prosperity! Raised to the rank of citizens, admissible to every form of employment, enlightened censors of the administration when it is not actually in your hands, certain that all will be done by you and for you, equal before the law, free to act, to speak, to

---

[1]A reference to the complicated system of apportioning the representation, the constitution of 1791 providing (Chap. I., ¶ 1., Art. 2.) that the 745 seats in the legislative body should be distributed among the 83 departments according to (1) the area of each, (2) the number of its inhabitants and (3) the amount of direct taxes it paid.

[2]The enumeration of a few farther reforms is here omitted. The Assembly notes the abolition of the sale of offices and the partial extinction of the Gabelle.

write ; owing no account to individuals, but always to the common-will: what condition more happy! Is there a single citizen worthy of the name, who would dare look back, who would re-build once more the ruins which surround us, in order again to contemplate the former structure?

Yet what has not been said and done to weaken the natural impressions which such advantages should produce upon you? It is urged that we have destroyed everything; everything must, then, be reconstructed. But what is there which need be so much regretted? If we would know, let those be questioned in regard to the objects of reform or destruction who did not profit by them; let even men of good faith be questioned who did profit by them. But let us leave one side those who, in order to ennoble the demands of purely personal interest, now choose as the objects of their commiseration the fate of those to whom they were formerly quite indifferent. We may then judge if each subject of reform does not enjoy the approval of all of those whose opinions should be considered. Some say that we have acted too precipitately; as many others proclaim that we have been too deliberate. Too much precipitation! Does not everyone know that only by attacking and overthrowing all the abuses at the same time can we hope to be freed from them without danger of their return; that then, and then only, everyone becomes interested in the re-establishment of order ; that slow and partial reforms have always resulted in no reform at all and that an abuse preserved, becomes the support, and before long, the means of restoring all those which we thought to have destroyed? Our meetings are sàid to be disorderly—what of that, if the decrees which proceed from them are wise? We are indeed far from wishing to hold up for your admiration the details of all our debates. More than once they have been a source of annoyance to us, but at the same time we have felt that it was very unjust to take advantage of this disorder; and indeed this impetuosity is the almost inevitable effect of the first conflict which has perhaps ever been fought between every right principle against every form of error.

We are accused of having aspired to a chimerical perfection. A curious reproach indeed, which if one looks at it closely, proves to be only an ill-disguised desire for the perpetuation of the abuses. The National Assembly has not allowed itself to be influenced by motives of servile interest or pusillanimity. It has had the courage, or rather the sense, to believe that useful ideas, essential to the human race, were not destined simply to adorn the pages of a book, and that the Supreme Being when

he granted the attribute of perfectibility to man, did not forbid him to apply this peculiar appanage of his nature to the social organization, which has become the most comprehensive of his interests and almost the most important of his needs. It is impossible, some say, to regenerate an old and corrupt nation. Let such objectors learn that there is nothing corrupt but those who wish to perpetuate corrupting abuses, and that a nation becomes young again the moment it resolves to be born anew in liberty. Behold the regeneration, how the nation's heart already beats with joy and hope and how pure, elevated and patriotic are its sentiments! With what enthusiasm do the people daily solicit the honor of being allowed to take the oath of citizen!—but why consider so despicable a reproach? Shall the National Assembly be reduced to excuse itself for not having rendered the French people desperate?

But we have done nothing for the people, their pretended friends cry on all sides. Yet it is the people's cause which is everywhere triumphant. Nothing done for the people! Does not every abuse which is abolished prepare the way and assure them relief? Is there an abuse which does not weigh upon the people? They do not complain—it is because the excess of their ills has stifled complaint. They are now unhappy—say better that they are still unhappy—but not for long; that we swear.

We have destroyed the power of the executive—No, say rather the power of the ministers, which, in reality, formerly destroyed or often degraded the executive power. We have enlightened the executive power by showing it its true rights; we have, above all, ennobled it by tracing it to the true source of its power, the power of the people. The executive power is now without force—against the constitution and the law, that is true, but in support of them, it will be more powerful than ever before.

The people is aroused—Yes, for its defence, and with reason. But, it is urged, in several places there have been unfortunate occurences. Should the National Assembly be reproached for that? Should disasters be attributed to it which it mourns, which it would have prevented and arrested by the force of its decrees and which the hereafter indissolvable union between the two powers and the irresistible action of all the national forces will doubtless check?

We have exceeded our powers. The reply is simple. We were incontestably sent to make a constitution, this was the wish and the need of the whole of France. But was it possible to create a constitution and form an even imperfect body of constitutional decrees, without the

plenitude of power which we have exercised. We will say more: without the National Assembly France was lost; without the recognition of the principle which has governed all our decrees, of submitting the decision of every matter to a majority of votes, freely cast, it is impossible to conceive, we will not say a constitution, but even the prospect of destroying permanently the least of the abuses. This principle embodies an eternal truth and has been recognized throughout France. It receives recognition in a thousand ways in the numerous ratifications [*addresses d'adhésion*] which oppose the swarm of libels reproaching us for exceeding our powers. These addresses, felicitations, compliments and patriotic resolutions, what a conclusive conformation do they constitute of those powers which some would contest!

These, Frenchmen, are the reproaches which have been directed against your representatives in the mass of culpable writings in which a tone of civic grief is assumed. But they flatter themselves in vain that we are to be discouraged. Our courage is redoubled, you will not long wait for the results. . . . . .[1]

What have you to fear? Nothing, nothing except a fatal impatience. Wait but a little; it is after all for liberty that you have granted so many centuries to despotism. Friends, Citizens, exercise a generous not a servile patience. Do this in the name of your fatherland, for you now have one: in the name of your king; for you now have a king. He is yours, no longer the king of a few thousand men, but king of the French, of all the French. He may now well despise and hate despotism, as king of a free people, and realize the falsity of the lying deceptions maintained by his court, who called themselves his people! These illusions surrounded him in his cradle and were intentionally made a part of his royal education, for it has been the habit from all time to inculcate them in the minds of kings, so that their errors might constitute the patrimony of the court. But the king is yours; how dear he is to us! Would you, after the people have become his court, refuse him the peace and happiness which he merits? Hereafter let him encounter no more of the violent scenes which have so grieved his heart. Let him see, on the contrary, that order is being restored, property is everywhere respected and defended, that you receive and place under the aegis of law both friend and enemy of your

[1] The reforms which the Assembly announces for the future are omitted here. The chief were an enlightened system of taxes, a reorganization of the church, new codes of the criminal and civil law, and a national system of education.

cause, both the innocent and the guilty, for no one is longer held guilty until the sentence has been passed upon him. Let your estimable monarch perceive more of the generous traits and noble examples which have shed such honor upon the cradle of French liberty, in the protection and defense of your adversaries whom you cover with your own person. Astonish him with your virtue and thus grant him the reward of his own, by hastening the moment when he may enjoy public tranquillity and the spectacle of your felicity.

As for us we will pursue our laborious task, devoting and consecrating ourselves to the great work of drawing up the constitution—your work as well as ours. We will complete it, assisted by the wisdom of all France. Having conquered all obstacles, with a satisfied conscience, assured of your future happiness and rejoicing in it by anticipation, we will place in your hands, the constitution, as a sacred trust, under the protection of new virtues, of which the germ, implanted in your bosoms, has opened in the first dawn of liberty.

VI. THE CIVIL CONSTITUTION OF THE CLERGY.

Procès-verbal de l'Assemblée Nationale, (in 75 vols.) No. 346 (under July 12, 1790).

The reorganization of the Church which followed upon the confiscation of its vast possessions, is an excellent illustration of the spirit of the National Assembly. The demand for complete uniformity and simplification is especially pronounced in the reform of this most venerable institution of France, the anomalies and intricaces of which were hallowed not only by age but by religious veneration.

PROCLAMATION OF THE KING.

In regard to the Decrees of the National Assembly relating to the Civil Constitution of the Clergy and the regulation of their salaries, August 24, 1790.

The decree, having been examined [*vu*] by the king, is as follows:

DECREE OF THE NATIONAL ASSEMBLY, JULY 12, 1790, RELATING TO THE CIVIL CONSTITUTION OF THE CLERGY.

The National Assembly, after having heard the report of the Ecclesiastical Committee, has decreed and do decree the following as constitutional articles:—

TITLE I.

ARTICLE I. Each department shall form a single diocese, and each diocese shall have the same extent and the same limits as the department.

II. The seat of the bishopries of the eighty-three departments of the kingdom shall be established as follows: That of the Department of the Lower Seine at Rouen; that of the Department of Calvados at Bayeux. . . . . [1]

All other bishopries in the eighty-three departments of the kingdom, which are not included by name in the present article are, and forever shall be, abolished.

The kingdom shall be divided into ten metropolitan districts, of which the sees shall be situated at Rouen, Rheims, Besançon, Rennes, Paris, Bourges, Bordeaux, Toulouse, Aix and Lyons. These archbishopries shall have the following denominations: That of Rouen shall be called the Archbishopric of the Coast of the Channel. . . . . [2]

III. . . . . [3]

IV. No church or parish of France nor any French citizen may acknowledge upon any occasion or upon any pretext whatsoever, the authority of an ordinary bishop or of an archbishop whose see shall be under the supremacy of a foreign power, nor that of their representatives residing in France or elsewhere; without prejudice, however, to the unity of the faith and the intercourse which shall be maintained with the Visible Head of the Universal Church, as hereafter provided.

V. After the bishop of a diocese shall have rendered his decision in his synod upon the matters lying within his competence an appeal may be carried to the archbishop, who shall give his decision in the metropolitan synod.

VI. A new arrangement and division of all the parishes of the kingdom shall be undertaken immediately in concert with the Bishop and the District Administration. The number and extent of the parishes shall be determined according to rules which shall be laid down.

VII. The cathedral church of each diocese shall be restored to its primitive condition and be hereafter at once the church of the parish and of the diocese. This shall be accomplished by the suppression of parishes and by the redistribution of dwellings which it may be deemed necessary to include in the new parish.

VIII. . . . . [4]

---

[1] The names of the remaining episcopal sees are here ommitted.

[2] The remaining names of the archbishoprics are here omitted.

[3] This article enumerates the departments included in each archbishopric.

[4] Articles VIII to XIII, here omitted, regulate the organization of the cathedral church and provide for one seminary in each diocese.

XIV. The vicars of the cathedral churches,[1] the superior vicar and the directing vicars of the seminary shall form the regular and permanent Council of the Bishop, who shall perform no official act which concerns the government of the diocese or of the seminary, until he has consulted them. The bishop may, however, in the course of his visits issue such provisional ordinances as may be necessary.

XV. There shall be but a single parish in all cities and towns having not more than 6000 inhabitants. The other parishes shall be abolished or absorbed into that of the episcopal church.

XVI. In cities having a population of more than 6000 inhabitants a parish may include a greater number of parishioners, and as many parishes shall be perpetuated as the needs of the people and localities shall require.

XVII. The administrative assemblies, in concert with the bishop of the diocese shall indicate to the next legislative assembly, the country and subordinate urban parishes[2] which ought to be contracted or enlarged, established or abolished, and shall indicate farther the limits of the parishes as the needs of the people, the dignity of religion and the various localities shall require.

XVIII. . . . . [3]

XX. All titles and offices other than those mentioned in the present constitution, *dignités*,[4] canonries, prebends, half-prebends,[5] chapels, chaplainships, both in cathedral and collegiate churches, all regular and secular chapters for either sex, abbacies and priorships, both regular and *in commendam*, for either sex, as well as all other benefices and prestimonies in general, of whatever kind or denomination, are from the day of this decree extinguished and abolished and shall never be re-established in any form.

XXI. . . . . [6]

---

[1] Article IX provides for twelve of these vicars in cathedral towns having less than 10,000 inhabitants and for sixteen in the larger places.

[2] *Paroisses annexes ou succursales des villes* or "chapels of ease" where a curate officiates.

[3] Articles XVIII–XIX, here omitted, relate to details in the new division.

[4] This is a broad term and refers to the benefices to which some jurisdiction or pre-eminence in the chapter was attached, as those of provost, dean, archdeacon, etc. See Littré *sub verbo*.

[5] *Demi-prebendes*. I have looked in vain for this term.

[6] Articles XXI–XXV, here omitted, relate to the rights of private individuals in the matter of foundations and of collation to certain benefices.

TITLE II.

ARTICLE I. Beginning with the day of publication of the present decree there shall be but one mode of choosing bishops and parish priests, namely that of election.

II. All elections shall be by ballot and shall be decided by the absolute majority of the votes.

III. The election of bishops shall take place according to the forms and by the electoral body designated in the decree of December 22, 1789, for the election of members of the Departmental Assembly.

IV. . . . . [1]

VI. The election of a bishop can only take place or be undertaken upon Sunday, in the principal church of the chief town of the department, at the close of the parish mass, at which all the electors are required to be present.

VII. In order to be eligible to a bishopric one must have fulfilled for fifteen years at least the duties of the church ministry in the diocese as a parish priest, officiating minister or curate or as superior or as directing vicar of the seminary.

VIII. . . . . [2]

XVII. The archbishop or senior bishop of the province shall have the right to examine the bishop-elect in the presence of his council upon his belief and his character. If he deems him fit for the position he shall give him the canonical institution. If he believes it his duty to refuse this, the reasons for his refusal shall be recorded in writing and signed by the archbishop and his council, reserving to the parties concerned the right to appeal on the ground of an abuse of power as hereinafter provided.[3]

XVIII. The bishop applied to for institution may not exact of the person elected any form of oath except that he makes profession of the Roman Catholic and Apostolic religion.

XIX. The new bishop may not apply to the pope for any form of conformation but shall write to him as to the visible Head of the

---

[1] Articles IV–V, here omitted, relate to the announcement of pending elections.

[2] Articles VIII–XVI designate those of the existing clergy who are eligible, and add some details in regard to the forms of announcing the results of the elections.

[3] The right of appeal to the civil power in case of a refusal to confirm the person elected, which was also permitted to the ordinary priests (Art. XXXVI) is *not* mentioned later in the document.

Universal Church as a testimony to the unity of faith and communion maintained with him.

XX. . . . . [1]

XXI. Before the ceremony of consecration begins, the bishop-elect shall take a solemn oath in the presence of the municipal officers, of the people and of the clergy to guard with care the faithful of his diocese, who are confided to him, to be loyal to the Nation, the Law and the King and to support with all his power the constitution decreed by the National Assembly and accepted by the King.

XXII. . . . . [2]

XXV. The election of the parish priests shall take place according to the forms and by the electors designated in the decree of December 22, 1789, for the election of members of the Administrative Assembly of the District.

XXVI. . . . . [3]

XXIX. Each elector, before depositing his ballot in the ballot-box, shall take oath to vote only for that person whom he has conscientiously selected in his heart as the most worthy, without having been influenced by any gift, promise, solicitation or threat. The same oath shall be required at the election of the bishops as in the case of the parish priests.

XXX. . . . . [4]

XL. Bishoprics and cures shall be looked upon as vacant until those elected to fill them shall have taken the oath above mentioned.

XLI. . . . . [5]

TITLE III.

ARTICLE I. The ministers of religion, performing as they do the first and most important functions of society and forced to live continuously in the place where they discharge the offices to which they have been called by the confidence of the people, shall be supported by the nation.

II. Every bishop, priest and officiating clergyman in a chapel of

---

[1] Relates to the ceremony of consecration.

[2] Articles XXII–XXIV provide for the appointment of the vicars of the cathedral churches and of the seminaries.

[3] Articles XXVI–XXVIII relate to the details of the election.

[4] The regulations relating to the eligibility, election, obligations and consecration of the priests contained in Articles XXX–XXXIX are very similar, *mutatis mutandis*, to those which apply to the bishops.

[5] Articles XLI–XLIV relate to vacancies and the choice of curates.

ease, shall be furnished with a suitable dwelling on condition, however, that the occupant shall make all the necessary current repairs. This shall not affect at present, in any way, those parishes where the priest now receives a money equivalent instead of his dwelling. The departments shall, moreover, have cognizance of suits arising in this connoction, brought by the parishes and by the priests. Salaries shall be assigned to each, as indicated below.

III. The Bishop of Paris shall receive 50,000 *livres;* the bishops of cities having a population of 50,000 or more, 20,000 *livres;* other bishops, 12,000 *livres.*

IV. . . . . [1]

V. The salaries of the parish priests shall be as follows: In Paris, 6000 *livres;* in cities having a population of 50,000 or over, 4000 *livres;* in those having a population of less than 50,000 and more than 10,000, 3000 *livres;* in cities and towns of which the population is below 10,000 and more than 3000, 2400 *livres.*

In all other cities, towns and villages where the parish shall have a population between 3000–2500, 2000 *livres;* in those between 2500 and 2000, 1800 *livres;* in those having a population of less than 2000, and more than 1000, the salary shall be 1500 *livres;* in those having 1000 inhabitants and under, 1200 *livres.*

VI. . . . . [2]

VII. The salaries *in money* of the ministers of religion shall be paid every three months, in advance, by the treasurer of the district.

. . . . . [3]

XI. The schedule fixed above for the payment of the ministers of religion shall go into effect upon the day of publication of this decree, but only in the case of those who shall be afterward provided with ecclesiastical offices. The remuneration of the present holders, both those whose offices or functions are abolished and those whose titles are retained, shall be fixed by a special decree.

XII. In view of the salary which is assured to them by the present constitution, the bishops, parish priests and curates shall perform the episcopal and priestly functions gratis.

---

[1] Article IV fixes the salaries of the vicars of cathedral churches. These ranged from 6000–2000 livres.

[2] The salaries of the curates, fixed by Article VI, ranged from 2400 *livres* at Paris to 700 in the small places.

[3] Articles VIII–X relate to vacancies and pensions.

TITLE IV.

ARTICLE I. The law requiring the residence of ecclesiastics in the districts under their charge shall be strictly observed. All vested with an ecclesiastical office or function shall be subject to this without distinction or exception.

II. No bishop shall absent himself from his diocese more than two weeks consecutively during the year, except in cases of real necessity and with the consent of the Directory of the Department in which his see is situated.

III. In the same manner the parish priests and the curates may not absent themselves from the place of their duties beyond the term fixed above, except for weighty reasons, and even in such cases the priests must obtain the permission both of their bishop and of the Directory of their district, and the curates that of the parish priest.

IV. In case a bishop or a priest shall violate this law requiring residence, the communal government shall inform the *procureur-général syndic* of the department, who shall issue a summons to him to return to his duties. After a second warning the procureur shall take steps to have his salary declared forfeited for the whole period of his absence.

V. . . . . [1]

VI. Bishops, parish priests and curates may, as active citizens, be present at the Primary and Electoral Assemblies, they may be chosen electors or as deputies to the Legislative Body, or as members of the General Council of the Communes or of the Administrative Councils of their districts or departments. Their duties are, however, declared incompatible with those of *Maire* or other municipal officers and those of members of the Directories of the District and of the Department. If elected to one of these last mentioned offices they must make a choice between it and their ecclesiastical position.

VII. The incompatibility of office mentioned in Article VI shall only be observed in the future. If any bishops, parish priests or curates have been called by their fellow-citizens to the offices of *Maire* or to other communal offices or have been elected members of the Directory of the District or of the Department, they may continue their functions.[2]

---

[1] Article V provides in general that no bishop or priest shall accept any outside responsibilities which shall interfere with his duties in the church.

[2] A list of the archbishoprics and bishoprics, which is here omitted, is appended to the decree.

VII. EXTRACT FROM MARAT'S "AMI DU PEUPLE."

Quoted in Chevremont, Jean-Paul Marat, I, 490 ff.

Marat began the publication of a newspaper in Paris, September, 1789, which he called *L'Ami du Peuple.* His violence is mixed with much good sense and his political capacity has been underrated (see Stephens, 215 ff.). The characteristic passage quoted relates to the efforts of Lafayette ("*Mottier*") and others to justify the command to the National Guard to fire upon the people, who had collected on the Champ de Mars, July 17, 1791.

O credulous Parisians, can you be duped by these shameful deceits and cowardly impostures? See if their aim in massacring the patriots was not to annihilate their clubs? Even while the massacre was going on, the emmissaries of Mottier were running about the streets mixing with the groups of people and loudly accusing the fraternal societies and the club of the Cordeliers of causing the misfortunes. The same evening the club of the Cordeliers, wishing to come together, found the doors of their place of meeting nailed up. Two pieces of artillery barred the entrance to the Fraternal Society and only those conscript fathers who were sold to the court were permitted to enter the Jacobin Club, by means of their deputy's cards.

Not satisfied with annihilating the patriotic associations these scoundrels violate the liberty of the press, annihilate the Declaration of Rights—the rights of nature. Cowardly citizens, can you hear this without trembling! They declare the oppressed, who in order to escape their tyranny, would make a weapon of his despair and counsel the massacre of his oppressors, a disturber of the public peace. They declare every citizen a disturber of the public peace who cries, in an uprising, to the ferocious satellites to lower or lay down their arms, thus metamorphosing into crimes the very humanity of peaceful citizens, the cries of terror and natural self-defence.

Infamous legislators, vile scoundrels, monsters satiated with gold and blood, privileged brigands who traffic with the monarch, with our fortunes, our rights, our liberty and our lives! You thought to strike terror into the hearts of patriotic writers and paralyze them with fright at the sight of the punishments you inflict. I flatter myself that they will not soften. As for The Friend of the People, you know that for a long time your Decrees directed against the *Declaration of Rights* have been waste paper to him.[1] Could he but rally at his call two thousand

[1] A course expression in the original.

determined men to save the country, he would proceed at their head to tear out the heart of the infernal Mottier in the midst of his battalions of slaves. He would burn the monarch and his minions in his palace, and impale you on your seats and bury you in the burning ruins of your lair.

VIII. OPINION OF MALLET DU PAN.

On the Work of the Constitutional Assembly. Mercure de France, October, 1791, quoted in Memoires et Correspondence de Mallet du Pan, I, 240-42.

Mallet du Pan, a Swiss by birth, had edited the political part of the well-known periodical, *Mercure de France*, since 1784. He clearly realized the vices of the *Ancien Régime* but, like many sensible men of the time, he could not but see the mistaken methods of the National Assembly. The circulation of his journal reached 11,000 copies in 1790.

The Constitutional Assembly cannot fail to recognize, without denying positive and accepted facts, that, as a result of its doctrines and action, it leaves every religious principle destroyed, morals in the last stage of degradation, free sway to every vice, the rights of property violated and undermined, our forces, both land and naval, in a worse state than at the opening of its reign; that it has shaken, if not destroyed, the foundation of all military organization; that it leaves our finances in chaos, the public debt considerably augmented, the annual deficit, according to the most favorable calculators, increased by half, the taxes in arrears, their payment suspended, having struck at their very roots by the recklessness of an absolutely new system, of which the immediate effects have been to make the people regard themselves as freed from taxation. It cannot disguise from itself that our influence and reputation in Europe are eclipsed; that our commerce is less flourishing, our industry less productive, our population less numerous; that our labor has decreased as well as the national wealth; that it has caused the disappearance of the specie and dissipated an enormous amount of the public capital; that finally our internal police in spite of numerous guards, is more oppressive and less effective than it was before the revolution.

We will add what no one can deny, that the number of unfortunates of all classes has increased to a most frightful extent; that misery and despair cast a funeral pall over the songs of triumph, the illuminations, the *Te Deums* and congratulatory speeches. I do not speak of the

clergy and nobility; their condition and birth having rendered them criminal in the eyes of the dominant party, their misfortunes are undoubtedly well-merited punishments and four or five hundred private individuals, having declared themselves inviolable, have assumed the right to determine their fate as the judge determines that of criminals; but I ask that a single class of Frenchmen, except the stock-brokers, be pointed out to me whose fortunes have not diminished and whose resources and prosperity have not been painfully affected!

In order justly to appreciate the conduct of our first law makers we must avoid the sophism by which they have constantly fascinated the common people, that of comparing the present situation of France with the disastrous results of the most horrible despotism. That is a false standpoint to which knaves and fools are always careful to revert. A vast number of citizens do not desire the old any more than the new régime and the reproaches heaped upon the latter do not affect the reform of the older system. In order to overcome the disapprobation of the citizens it must be proved that without the action of the Assembly and the public and private calamities which this has involved, France would never have gained freedom, the security of person and property, safety which is the first condition of a good government, peace which is its sign, political equality, plenty, strength, order, and general consideration. It would have, moreover, to be proved that the Assembly had not the power to choose other institutions, that no middle course presented itself and that the only government adapted to the existing exigences was that which the Assembly proclaimed, since no other offered such obvious advantages or a more evidently propitious future.

IX. THE DECLARATION OF PILNITZ.

From the French text in Martens, Recueil des principaux Traités, etc., V. p. 260.

The Declaration of Pilnitz was naturally regarded by the French as an expression of sympathy for the *Emigrés* and as a promise to secure them the general support of Europe in their counter-revolutionary schemes. It meant very little to those who drew it up. The Emperor is reported to have said "The words '*alors et dans ce cas*' are the law and the prophets for me. If England fails us the '*cas*' will not exist at all." (Sybel, bk. II. ch., 6.)

His Majesty, the Emperor, and his Majesty, the King of Prussia, having given attention to the wishes and representations of *Monsieur* (the brother of the King of France), and of M. le Comte d'Artois,

jointly declare that they regard the present situation of his majesty the king of France, as a matter of common interest to all the sovereigns of Europe. They trust that this interest will not fail to be recognized by the powers, whose aid is solicited, and that in consequence they will not refuse to employ, in conjunction with their said majesties, the most efficient means in proportion to their resources to place the King of France in a position to establish, with the most absolute freedom, the foundations of a monarchical form of government, which shall at once be in harmony with the rights of sovereigns and promote the welfare of the French nation. In that case [*Alors et dans ce cas*] their said majesties the Emperor and the King of Prussia are resolved to act promptly and in common accord with the forces necessary to obtain the desired, common end.

In the meantime they will give such orders to their troops as are necessary in order that these may be in a position to be called into active service.

LEOPOLD. FREDERICK WILLIAM.

Pilnitz, August 27, 1791.

INTRODUCTORY BIBLIOGRAPHY.

Stephens, H. Morse: A History of the French Revolution. Vol. I. New York, 1886.

This is the only detailed, modern treatment of this period in English (except the translation of v. Sybel's work mentioned below), and gives the student the results of the recent, remarkable historical activity in France. Although the book contains many errors and oversights in detail these do not essentially impair its value.

von Sybel, Heinrich. Vol. I. Books I and II. (Translated from the German.)

This work is scholarly but dry, unsympathetic and lacks perspective. It deals only secondarily with the internal history of France and its chief value lies in the latter portion, which treats the neglected period of the Directory.

Sorel, Albert: L'Europe et la Révolution francaise. Especially Vol. II. Paris, 1885-93.

While M. Sorel, like Sybel, has written a history of Europe rather than of France, his remarkable work contains a succinct, suggestive account (with references to the sources) of the period of the Constitutional Assembly.

Short accounts of the period are to be found in the books of *Mallet*, *Morris*, *Gardiner*, *McCarthy* and *Rose*, that of Mallet being perhaps the most satisfactory.

Works in French on the subject are very numerous. That of *Mignet*, while

somewhat antiquated, is the best general account in small compass. The English translation of the work in Bohn's Library, is, however, wretched. *Quinet's* and *Louis Blanc's* histories are still esteemed by modern scholars.

THE SOURCES.

Buchez et Roux, Histoire Parlementaire. Paris, 1834-38. 40 vols.

This contains extracts from the debates in the assembly, with the text of some of the important decrees. It gives quotations from the newspapers and from the speeches in the Jacobin and other political clubs, together with other more or less important matter. In spite of very defective tables of contents and a somewhat erratic selection of material, this collection has been the main stay of a great many writers, and is still very valuable in spite of more recent publications, by reason of its comprehensiveness and cheapness; the forty volumes are still procurable in Paris for fifteen to twenty dollars.

Réimpression de l'ancien Moniteur. Paris, several editions. 32 vols.

This is a reprint of one of the most important newspapers of the revolutionary period. It has probably been ranked too high in the matter of impartiality and truthfulness, but it supplements the previous collection, and like it can be had for a relatively small outlay, about twenty dollars.

Archives Parlementaires, de 1787-1860. Recueil complet des debats législatifs et politiques des chambres françaises imprimé par ordre du Senat et de la Chambre des Deputés.

The "first series" of this comprehensive collection covers the period 1787-1799. 46 volumes, coming down to July 17, 1792, have been issued so far.

Aulard, La Société des Jacobins, Recueil de documents pour l'histoire du Club des Jacobins de Paris. Paris, 1889-92. 5 vols. have so far appeared.

This and other similar collections, published under the auspices of the Municipal Council of Paris, will greatly facilitate the work of historical writers in the future.

Memoirs and Correspondence.

The numerous *mémoires* which have been published upon this period by such men as Bailly, Ferrières, Malouet, Mallet du Pan, and others, the Correspondence of Mirabeau and La Marck, etc., constute a class of important sources,

The student is referred to Mr. Andrew D. White's Appendix to the American edition of Morris' "French Revolution" in the Epoch Series, which furnishes a very satisfactory bibliography.

Translations and Reprints

from the

Original Sources of European History.

Vol. I. English Constitutional Documents. No. 6.

TABLE OF CONTENTS.

PAGE

I. Coronation Oaths and Royal Charters.

1. Coronation Oath of Ethelred II. 2
2. Coronation Oath of William the Conqueror, ... 2
3. Charter of William to London, ... 2
4. Coronation Charter of Henry I. 3
5. Coronation Charter of Stephen, ... 5
6. Coronation Charter of Henry II. 5
7. The Great Charter, ... 6
8. Coronation Oath of Henry III. 17
9. Confirmation of the Charters, ... 17
10. Coronation Oath of Edward II. 19

II. Judicial Documents.

1. Provisions for Hundred and Shire Courts, ... 20
2. A Shire Moot in the Reign of Cnut, ... 21
3. Writ for an Inquisition, ... 22
4. Writ for a Recognition, ... 22
5. Assize of Clarendon, ... 22
6. Constitutions of Clarendon, ... 26
7. Typical Criminal Cases in Royal Courts, ... 30
8. Typical Civil Cases in Royal Courts, ... 31

III. Writs of Summons to Parliament.

1. Writ to the Lords in 1242, ... 33
2. Writ to a Bishop in 1295, ... 33
3. Writ to a Lay Noble in 1295, ... 34
4. Writ to Sheriffs for Commoners in 1295, ... 35

IV. Select Bibliography, ... 36

I. CORONATION OATHS AND ROYAL CHARTERS.

At no time in English history has the power of the king been absolute and unlimited. The coronation oath bridged the chasm between the Saxon and the Norman kings, being taken by William and his immediate successors in exactly the form recorded as having been used by King Ethelred. The later charters of liberties indicate the progressive restrictions on the independence of the early Norman and Angevin kings, although the occasions for the issue of such charters were apparently almost accidental. The charter of Henry I. was granted to strengthen his doubtful claim to the throne; two successive charters were issued by Stephen with the same object, and that of Henry II. was granted in imitation of these. Magna Charta is known to have been suggested by and based on these preceding grants. The Confirmation of the Charters was in form one of the many regrants of Magna Charta and the Forest Charter, but it obtained its importance from the sixth clause, which was practically new and remained effective. Under another form, in which it appears as the statute *de tallagio non concedendo*, this grant is frequently referred to in later struggles between king and Parliament.

1. CORONATION OATH OF ETHELRED II., A. D. 978.

Kemble, Saxons in England. II. 36. Anglo-Saxon.

In the name of the Holy Trinity, three things do I promise to this Christian people, my subjects; first, that I will hold God's church and all the Christian people of my realm in true peace; second, that I will forbid all rapine and injustice to men of all conditions; third, that I promise and enjoin justice and mercy in all judgments, in order that a just and merciful God may give us all His eternal favor, who liveth and reigneth.

2. CORONATION OATH OF WILLIAM THE CONQUEROR, A. D. 1066.

Florence of Worcester, under the year 1066. Latin.

Having first, as the archbishop required, sworn before the altar of St. Peter the Apostle, in the presence of the clergy and people, to defend the holy churches of God and their governors, and also to rule over the whole people subject to him justly and with royal providence; to enact and to preserve right law, and straitly to forbid violence and unjust judgments.

3. CHARTER OF WILLIAM THE CONQUEROR TO THE CITY O LONDON, A. D. 1066.

Liber Custumarum, Pt. 1, pp. 25 and 26. Anglo-Saxon.

William, king, greets William, bishop, and Gosfrith, portreeve,

and all the burghers within London, French and English, friendly; and I assure you that I will that ye all have rights before the law that had them in King Edward's day. And I will that every child be his father's heir after his father's day. And I will not allow that any man do any wrong to you. God keep you.

4. CORONATION CHARTER OF HENRY I., A. D. 1100.

Stubbs' Select Charters, 96-98. Latin.

In the year of the incarnation of the Lord, 1101, Henry, son of King William, after the death of his brother William, by the grace of God, king of the English, to all faithful, greeting:

1. Know that by the mercy of God, and by the common counsel of the barons of the whole kingdom of England, I have been crowned king of the same kingdom; and because the kingdom has been oppressed by unjust exactions, I, from regard to God, and from the love which I have toward you, in the first place make the holy church of God free, so that I will neither sell nor place at rent, nor, when archbishop, or bishop, or abbot is dead, will I take anything from the domain of the church, or from its men, until a successor is installed into it. And all the evil customs by which the realm of England was unjustly oppressed will I take away, which evil customs I partly set down here.

2. If any one of my barons, or earls, or others who hold from me shall have died, his heir shall not redeem his land as he did in the time of my brother, but shall relieve it by a just and legitimate relief. Similarly also the men of my barons shall relieve their lands from their lords by a just and legitimate relief.

3. And if any one of the barons or other men of mine wishes to give his daughter in marriage, or his sister or niece or relation, he must speak with me about it, but I will neither take anything from him for this permission, nor forbid him to give her in marriage, unless he should wish to join her to my enemy. And if when a baron or other man of mine is dead, a daughter remains as his heir, I will give her in marriage according to the judgment of my barons, along with her land. And if when a man is dead his wife remains, and is without children, she shall have her dowry and right of marriage, and I will not give her to a husband except according to her will.

4. And if a wife has survived with children, she shall have her dowry and right of marriage, so long as she shall have kept her body legitimately, and I will not give her in marriage, except according to

her will. And the guardian of the land and children shall be either the wife or another one of the relatives as shall seem to be most just. And I require that my barons should deal similarly with the sons and daughters or wives of their men.

5. The common tax on money[1] which used to be taken through the cities and counties, which was not taken in the time of King Edward, I now forbid altogether henceforth to be taken. If any one shall have been seized, whether a moneyer or any other, with false money, strict justice shall be done for it.

6. All fines and all debts which were owed to my brother, I remit, except my rightful rents, and except those payments which had been agreed upon for the inheritances of others or for those things which more justly affected others. And if any one for his own inheritance has stipulated anything, this I remit, and all reliefs which had been agreed upon for rightful inheritances.

7. And if any one of my barons or men shall become feeble, however he himself shall give or arrange to give his money, I grant that it shall be so given. Moreover, if he himself, prevented by arms, or by weakness, shall not have bestowed his money, or arranged to bestow it, his wife or his children or his parents, and his legitimate men shall divide it for his soul, as to them shall seem best.

8. If any of my barons or men shall have commited an offence he shall not give security to the extent of forfeiture of his money, as he did in the time of my father, or of my brother, but according to the measure of the offence so shall he pay, as he would have paid from the time of my father backward, in the time of my other predecessors; so that if he shall have been convicted of treachery or of crime, he shall pay as is just.

9. All murders moreover before that day in which I was crowned king, I pardon; and those which shall be done henceforth shall be punished justly according to the law of King Edward.

10. The forests, by the common agreement of my barons, I have retained in my own hand, as my father held them.

11. To those knights who hold their land by the cuirass, I yield

---

[1] Monetagium, which is here translated "tax on money," was a payment made to the king or other lord, periodically, on condition that he would not change the standard of value during a given period. It was customary in Normandy. Ducange.

of my own gift the lands of their demesne ploughs free from all payments and from all labor, so that as they have thus been favored by such a great alleviation, so they may readily provide themselves with horses and arms for my service and for the defence of my kingdom.

12. A firm peace in my whole kingdom I establish and require to be kept from henceforth.

13. The law of King Edward I give to you again with those changes with which my father changed it by the counsel of his barons.

14. If any one has taken anything from my possessions since the death of King William, my brother, or from the possessions of any one, let the whole be immediately returned without alteration, and if any one shall have retained anything thence, he upon whom it is found will pay it heavily to me. Witnesses Maurice, bishop of London, and Gundulf, bishop, and William, bishop-elect, and Henry, earl, and Simon, earl, and Walter Giffard, and Robert de Montfort, and Roger Bigod, and Henry de Port, at London, when I was crowned.

5. CORONATION CHARTER OF KING STEPHEN, A. D. 1135.

Statutes of the Realm. I, 4. Latin.

Stephen, by the grace of God, king of the English, to the justices, sheriffs, barons, and all his ministers and faithful, French and English, greeting.

Know that I have conceded and by this my present charter confirmed to all my barons and men of England all the liberties and good laws which Henry, King of the English, my uncle, gave and conceded to them, and all the good laws and good customs which they had in the time of King Edward, I concede to them. Wherefore I wish and firmly command that they shall have and hold all those good laws and liberties from me and my heirs, they and their heirs, freely, quietly, and fully; and I prohibit anyone from bringing any obstacle, or impediment, or diminution upon them in these matters on pain of forfeiture to me.

Witness William Martel, at London.

6. CORONATION CHARTER OF HENRY II., A. D. 1154.

Statutes of the Realm. I. 4. Latin.

Henry, by the grace of God, king of England, duke of Normandy and Aquitaine and count of Anjou, to all the earls, barons, and his faithful, French and English, greeting. Know that, to the honor of

God and of the holy church and for the advantage of my whole kingdom, I have conceded and granted, and by my present charter confirmed to God and to the holy church, and to all the earls and barons, and to all my men all the concessions and grants and liberties and free customs which King Henry, my grandfather, gave and conceded to them. Similarly also, all the evil customs which he abolished and remitted, I remit and allow to be abolished for myself and my heirs. Therefore, I will and strictly require that the holy church and all the earls and barons, and all my men should have and hold all those customs and grants and liberties and free customs, freely and quietly, well and in peace, and completely, from me and my heirs to them and their heirs, as freely and quietly and fully in all things as King Henry, my grandfather, granted and conceded to them and by his charter confirmed them. Witness, Richard de Luci, at Westminster.

7. THE GREAT CHARTER.

GRANTED BY KING JOHN, JUNE 15, A.D. 1215.

Stubbs' Reprint. Latin.

John, by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, count of Anjou, to the archbishops, bishops, abbots, earls, barons, justiciars, foresters, sheriffs, reeves, servants, and all bailiffs and his faithful people greeting. Know that by the suggestion of God and for the good of our soul and those of all our predecessors and of our heirs, to the honor of God and the exaltation of holy church, and the improvement of our kingdom, by the advice of our venerable fathers Stephen, archbishop of Canterbury, primate of all England and cardinal of the holy Roman church, Henry, archbishop of Dublin, William of London, Peter of Winchester, Jocelyn of Bath and Glastonbury, Hugh of Lincoln, Walter of Worcester, William of Coventry, and Benedict of Rochester, bishops; of Master Pandulf, subdeacon and member of the household of the lord Pope, of Brother Aymeric, master of the Knights of the Temple in England; and of the noblemen William Marshall, earl of Pembroke, William, earl of Salisbury, William, earl of Warren, William, earl of Arundel, Alan of Galloway, constable of Scotland, Warren Fitz-Gerald, Peter Fitz-Herbert, Hubert de Burgh, steward of Poitou, Hugh de Nevil, Matthew Fitz-Herbert, Thomas Bassett, Alan Bassett, Philip d'Albini, Robert

de Roppelay, John Marshall, John Fitz-Hugh, and others of our faithful.

1. In the first place we have granted to God, and by this our present charter confirmed, for us and our heirs forever, that the English church shall be free, and shall hold its rights entire and its liberties uninjured; and we will that it thus be observed; which is shown by this, that the freedom of elections, which is considered to be most important and especially necessary to the English church, we, of our pure and spontaneous will, granted, and by our charter confirmed, before the contest between us and our barons had arisen; and obtained a confirmation of it by the lord Pope Innocent III.; which we will observe and which we will shall be observed in good faith by our heirs forever.

We have granted moreover to all free men of our kingdom for us and our heirs forever all the liberties written below, to be had and holden by themselves and their heirs from us and our heirs.

2. If any of our earls or barons, or others holding from us in chief by military service shall have died, and when he has died his heir shall be of full age and owe relief, he shall have his inheritance by the ancient relief; that is to say, the heir or heirs of an earl for the whole barony of an earl a hundred pounds; the heir or heirs of a baron for a whole barony a hundred pounds; the heir or heirs of a knight, for a whole knight's fee, a hundred shillings at most; and who owes less let him give less according to the ancient custom of fiefs.

3. If moreover the heir of any one of such shall be under age, and shall be in wardship, when he comes of age he shall have his inheritance without relief and without a fine.

4. The custodian of the land of such a minor heir shall not take from the land of the heir any except reasonable products, reasonable customary payments, and reasonable services, and this without destruction or waste of men or of property; and if we shall have committed the custody of the land of any such a one to the sheriff or to any other who is to be responsible to us for its proceeds, and that man shall have caused destruction or waste from his custody we will recover damages from him, and the land shall be committed to two legal and discreet men of that fief, who shall be responsible for its proceeds to us or to him to whom we have assigned them; and if we shall have given or sold to any one the custody of any such land, and he has caused destruction or waste there, he shall lose that custody, and it shall be handed over to two legal and discreet men of that fief who shall be in like manner responsible to us as is said above.

5. The custodian moreover, so long as he shall have the custody of the land, must keep up the houses, parks, warrens, fish ponds, mills, and other things pertaining to the land, from the proceeds of the land itself; and he must return to the heir, when he has come to full age, all his land, furnished with ploughs and implements of husbandry according as the time of wainage requires and as the proceeds of the land are able reasonably to sustain.

6. Heirs shall be married without disparity, so nevertheless that before the marriage is contracted, it shall be announced to the relatives by blood of the heir himself.

7. A widow, after the death of her husband, shall have her marriage portion and her inheritance immediately and without obstruction, nor shall she give anything for her dowry or for her marriage portion, or for her inheritance which inheritance her husband and she held on the day of the death of her husband; and she may remain in the house of her husband for forty days after his death, within which time her dowry shall be assigned to her.

8. No widow shall be compelled to marry so long as she prefers to live without a husband, provided she gives security that she will not marry without our consent, if she holds from us, or without the consent of her lord from whom she holds, if she holds from another.

9. Neither we nor our bailiffs will seize any land or rent, for any debt, so long as the chattels of the debtor are sufficient for the payment of the debt; nor shall the pledges of a debtor be distrained so long as the principal debtor himself has enough for the payment of the debt; and if the principal debtor fails in the payment of the debt, not having the wherewithal to pay it, the pledges shall be responsible for the debt; and if they wish, they shall have the lands and the rents of the debtor until they shall have been satisfied for the debt which they have before paid for him, unless the principal debtor shall have shown himself to be quit in that respect towards those pledges.

10. If any one has taken anything from the Jews, by way of a loan, more or less, and dies before that debt is paid, the debt shall not draw interest so long as the heir is under age, from whomsoever he holds; and if that debt falls into our hands, we will take nothing except the chattel contained in the agreement.

11. And if any one dies leaving a debt owing to the Jews, his wife shall have her dowry, and shall pay nothing of that debt; and if there remain minor children of the dead man, necessaries shall be pro-

vided for them corresponding to the holding of the dead man; and from the remainder shall be paid the debt, the service of the lords being retained. In the same way debts are to be treated which are owed to others than the Jews.

12. No scutage or aid shall be imposed in our kingdom except by the common council of our kingdom, except for the ransoming of our body, for the making of our oldest son a knight, and for once marrying our oldest daughter, and for these purposes it shall be only a reasonable aid; in the same way it shall be done concerning the aids of the city of London.

13. And the city of London shall have all its ancient liberties and free customs, as well by land as by water. Moreover, we will and grant that all other cities and boroughs and villages and ports shall have all their liberties and free customs.

14. And for holding a common council of the kingdom concerning the assessment of an aid otherwise than in the three cases mentioned above, or concerning the assessment of a scutage we shall cause to be summoned the archbishops, bishops, abbots, earls, and greater barons by our letters under seal; and besides we shall cause to be summoned generally, by our sheriffs and bailiffs all those who hold from us in chief, for a certain day, that is at the end of forty days at least, and for a certain place; and in all the letters of that summons, we will express the cause of the summons, and when the summons has thus been given the business shall proceed on the appointed day, on the advice of those who shall be present, even if not all of those who were summoned have come.

15. We will not grant to any one, moreover, that he shall take an aid from his free men, except for ransoming his body, for making his oldest son a knight, and for once marrying his oldest daughter; and for these purposes only a reasonable aid shall be taken.

16. No one shall be compelled to perform any greater service for a knight's fee, or for any other free tenement than is owed from it.

17. The common pleas shall not follow our court, but shall be held in some certain place.

18. The recognitions of *novel disseisin*, *mort d'ancestor*, and *darrein presentment* shall be held only in their own counties and in this manner: we, or if we are outside of the kingdom our principal justiciar, will send two justiciars through each county four times a year, who with four knights of each county, elected by the county, shall hold in the

county and on the day and in the place of the county court, the aforesaid assizes of the county.

19. And if the aforesaid assizes cannot be held within the day of the county court, a sufficient number of knights and free-holders shall remain from those who were present at the county court on that day to give the judgments, according as the business is more or less.

20. A free man shall not be fined for a small offence, except in proportion to the measure of the offence; and for a great offence he shall be fined in proportion to the magnitude of the offence, saving his free-hold; and a merchant in the same way, saving his merchandise; and the villain shall be fined in the same way, saving his wainage, if he shall be at our mercy; and none of the above fines shall be imposed except by the oaths of honest men of the neighborhood.

21. Earls and barons shall only be fined by their peers, and only in proportion to their offence.

22. A clergyman shall be fined, like those before mentioned, only in proportion to his lay holding, and not according to the extent of his ecclesiastical benefice.

23. No manor or man shall be compelled to make bridges over the rivers except those which ought to do it of old and rightfully.

24. No sheriff, constable, coroners, or other bailiffs of ours shall hold pleas of our crown.

25. All counties, hundreds, wapentakes, and trithings shall be at the ancient rents and without any increase, excepting our demesne manors.

26. If any person holding a lay fief from us shall die, and our sheriff or bailiff shall show our letters-patent of our summons concerning a debt which the deceased owed to us, it shall be lawful for our sheriff or bailiff to attach and levy on the chattels of the deceased found on his lay fief, to the value of that debt, in the view of legal men, so nevertheless that nothing be removed thence until the clear debt to us shall be paid; and the remainder shall be left to the executors for the fulfilment of the will of the deceased; and if nothing is owed to us by him, all the chattels shall go to the deceased, saving to his wife and children their reasonable shares.

27. If any free man dies intestate, his chattels shall be distributed by the hands of his near relatives and friends, under the oversight of the church, saving to each one the debts which the deceased owed to him.

28. No constable or other bailiff of ours shall take anyone's grain or other chattels, without immediately paying for them in money, unless he is able to obtain a postponement at the good-will of the seller.

29. No constable shall require any knight to give money in place of his ward of a castle if he is willing to furnish that ward in his own person or through another honest man, if he himself is not able to do it for a reasonable cause; and if we shall lead or send him into the army he shall be free from ward in proportion to the amount of time by which he has been in the army through us.

30. No sheriff or bailiff of ours or any one else shall take horses or wagons of any free man for carrying purposes except on the permission of that free man.

31. Neither we nor our bailiffs will take the wood of another man for castles, or for anything else which we are doing, except by the permission of him to whom the wood belongs.

32. We will not hold the lands of those convicted of a felony for more than a year and a day, after which the lands shall be returned to the lords of the fiefs.

33. All the fish-weirs in the Thames and the Medway, and throughout all England shall be done away with, except those on the coast.

34. The writ which is called *praecipe* shall not be given for the future to anyone concerning any tenement by which a free man can lose his court.

35. There shall be one measure of wine throughout our whole kingdom, and one measure of ale, and one measure of grain, that is the London quarter, and one width of dyed cloth and of russets and of halbergets, that is two ells within the selvages; of weights, moreover it shall be as of measures.

36. Nothing shall henceforth be given or taken for a writ of inquisition concerning life or limbs, but it shall be given freely and not denied.

37. If anyone holds from us by fee farm or by soccage or by burgage, and from another he holds land by military service, we will not have the guardianship of the heir or of his land which is of the fief of another, on account of that fee farm, or soccage, or burgage; nor will we have the custody of that fee farm, or soccage, or burgage, unless that fee farm itself owes military service. We will not have the guardianship of the heir or of the land of anyone, which he holds from another by military

service on account of any petty serjeanty which he holds from us by the service of paying to us knives or arrows, or things of that kind.

38. No bailiff for the future shall place any one to his law on his simple affirmation, without credible witnesses brought for this purpose.

39. No free man shall be taken or imprisoned or dispossessed, or outlawed, or banished, or in any way destroyed, nor will we go upon him, nor send upon him, except by the legal judgment of his peers or by the law of the land.

40. To no one will we sell, to no one will we deny, or delay right or justice.

41. All merchants shall be safe and secure in going out from England and coming into England and in remaining and going through England, as well by land as by water, for buying and selling, free from all evil tolls, by the ancient and rightful customs, except in time of war, and if they are of a land at war with us; and if such are found in our land at the beginning of war, they shall be attached without injury to their bodies or goods, until it shall be known from us or from our principal justiciar in what way the merchants of our land are treated who shall be then found in the country which is at war with us; and if ours are safe there, the others shall be safe in our land.

42. It is allowed henceforth to anyone to go out from our kingdom, and to return, safely and securely, by land and by water, saving their fidelity to us, except in time of war for some short time, for the common good of the kingdom; excepting persons imprisoned and outlawed according to the law of the realm, and people of a land at war with us, and merchants, of whom it shall be done as is before said.

43. If anyone holds from any escheat, as from the honor of Wallingford, or Nottingham, or Boulogne, or Lancaster, or from other escheats which are in our hands and are baronies, and he dies, his heir shall not give any other relief, nor do to us any other service than he would do to the baron, if that barony was in the hands of the baron; and we will hold it in the same way as the baron held it.

44. Men who dwell outside the forest shall not henceforth come before our justiciars of the forest, on common summons, unless they are in a plea of, or pledges for any person or persons who are arrested on account of the forest.

45. We will not make justiciars, constables, sheriffs or bailiffs except of such as know the law of the realm and are well inclined to observe it.

46. All barons who have founded abbeys for which they have charters of kings of England, or ancient tenure, shall have their custody when they have become vacant, as they ought to have.

47. All forests which have been afforested in our time shall be disafforested immediately; and so it shall be concerning river banks which in our time have been fenced in.

48. All the bad customs concerning forests and warrens and concerning foresters and warreners, sheriffs and their servants, river banks and their guardians shall be inquired into immediately in each county by twelve sworn knights of the same county, who shall be elected by the honest men of the same county, and within forty days after the inquisition has been made, they shall be entirely destroyed by them, never to be restored, provided that we be first informed of it, or our justiciar, if we are not in England.

49. We will give back immediately all hostages and charters which have been liberated to us by Englishmen as security for peace or for faithful service.

50. We will remove absolutely from their bailiwicks the relatives of Gerard de Athyes, so that for the future they shall have no bailiwick in England; Engelard de Cygony, Andrew, Peter and Gyon de Chanceiles, Gyon de Cygony, Geoffrey de Martin and his brothers, Philip Mark and his brothers, and Geoffrey his nephew and their whole retinue.

51. And immediately after the re-establishment of peace we will remove from the kingdom all foreign-born soldiers, cross-bow men, servants, and mercenaries who have come with horses and arms for the injury of the realm.

52. If anyone shall have been dispossessed or removed by us without legal judgment of his peers, from his lands, castles, franchises, or his right we will restore them to him immediately; and if contention arises about this, then it shall be done according to the judgment of the twenty-five barons, of whom mention is made below concerning the security of the peace. Concerning all those things, however, from which anyone has been removed or of which he has been deprived without legal judgment of his peers by King Henry our father, or by King Richard our brother, which we have in our hand, or which others hold, and which it is our duty to guarantee, we shall have respite till the usual term of crusaders; excepting those things about which the suit has been begun or the inquisition made by our writ before our assumption of the cross; when, however, we shall return from our journey or if by

chance we desist from the journey, we will immediately show full justice in regard to them.

53. We shall, moreover, have the same respite and in the same manner about showing justice in regard to the forests which are to be disafforested or to remain forests, which Henry our father or Richard our brother made into forests; and concerning the custody of lands which are in the fief of another, custody of which we have until now had on account of a fief which anyone has held from us by military service; and concerning the abbeys which have been founded in fiefs of others than ourselves, in which the lord of the fee has asserted for himself a right; and when we return or if we should desist from our journey we will immediately show full justice to those complaining in regard to them.

54. No one shall be seized nor imprisoned on the appeal of a woman concerning the death of anyone except her husband.

55. All fines which have been imposed unjustly and against the law of the land, and all penalties imposed unjustly and against the law of the land are altogether excused, or will be on the judgment of the twenty-five barons of whom mention is made below in connection with the security of the peace, or on the jundgment of the majority of them, along with the aforesaid Stephen, archbishop of Canterbury, if he is able to be present, and others whom he may wish to call for this purpose along with him. And if he should not be able to be present, nevertheless the business shall go on without him, provided that if any one or more of the aforesaid twenty-five barons are in a similar suit they should be removed as far as this particular judgment goes, and others who shall be chosen and put upon oath, by the remainder of the twenty-five shall be substituted for them for this purpose.

56. If we have dispossessed or removed any Welshmen from their lands, or franchises, or other things, without legal judgment of their peers, in England, or in Wales, they shall be immediately returned to them; and if a dispute shall have arisen over this, then it shall be settled in the borderland by judgment of their peers, concerning holdings of England according to the law of England, concerning holdings of Wales according to the law of Wales, and concerning holdings of the borderland according to the law of the borderland. The Welsh shall do the same to us and ours.

57. Concerning all those things, however, from which any one of the Welsh shall have been removed or dispossessed without legal judg-

ment of his peers, by King Henry our father, or King Richard our brother, which we hold in our hands, or which others hold, and we are bound to warrant to them, we shall have respite till the usual period of crusaders, those being excepted about which suit was begun or inquisition made by our command before our assumption of the cross. When, however, we shall return or if by chance we shall desist from our journey, we will show full justice to them immediately, according to the laws of the Welsh and the aforesaid parts.

58. We will give back the son of Lewellyn immediately, and all the hostages from Wales and the charters which had been liberated to us as a security for peace.

59. We will act toward Alexander, king of the Scots, concerning the return of his sisters and his hostages, and concerning his franchises and his right, according to the manner in which we shall act toward our other barons of England, unless it ought to be otherwise by the charters which we hold from William his father, formerly king of the Scots, and this shall be by the judgment of his peers in our court.

60. Moreover, all those customs and franchises mentioned above which we have conceded in our kingdom, and which are to be fulfilled, as far as pertains to us, in respect to our men; all men of our kingdom as well clergy as laymen, shall observe as far as pertains to them, in respect to their men.

61. Since, moreover, for the sake of God, and for the improvement of our kingdom, and for the better quieting of the hostility sprung up lately between us and our barons, we have made all these concessions; wishing them to enjoy these in a complete and firm stability forever, we make and concede to them the security described below; that is to say, that they shall elect twenty-five barons of the kingdom, whom they will, who ought with all their power to observe, hold, and cause to be observed, the peace and liberties which we have conceded to them, and by this our present charter confirmed to them; in this manner, that if we or our justiciar, or our bailiffs, or any one of our servants shall have done wrong in any way toward any one, or shall have transgressed any of the articles of peace or security; and the wrong shall have been shown to four barons of the aforesaid twenty-five barons, let those four barons come to us or to our justiciar, if we are out of the kingdom, laying before us the transgression, and let them ask that we cause that transgression to be corrected without delay. And if we shall not have corrected the transgression or, if we shall be out of the king-

dom, if our justiciar shall not have corrected it within a period of forty days, counting from the time in which it has been shown to us or to our justiciar, if we are out of the kingdom; the aforesaid four barons shall refer the matter to the remainder of the twenty-five barons, and let these twenty-five barons with the whole community of the country distress and injure us in every way they can; that is to say by the seizure of our castles, lands, possessions, and in such other ways as they can until it shall have been corrected according to their judgment, saving our person and that of our queen, and those of our children; and when the correction has been made, let them devote themselves to us as they did before. And let whoever in the country wishes take an oath that in all the above-mentioned measures he will obey the orders of the aforesaid twenty-five barons, and that he will injure us as far as he is able with them, and we give permission to swear publicly and freely to each one who wishes to swear, and no one will we ever forbid to swear. All those, moreover, in the country who of themselves and their own will are unwilling to take an oath to the twenty-five barons as to distressing and injuring us along with them, we will compel to take the oath by our mandate, as before said. And if any one of the twenty-five barons shall have died or departed from the land or shall in any other way be prevented from taking the above-mentioned action, let the remainder of the aforesaid twenty-five barons choose another in his place, according to their judgment, who shall take an oath in the same way as the others. In all those things, moreover, which are committed to those five and twenty barons to carry out, if perhaps the twenty-five are present, and some disagreement arises among them about something, or if any of them when they have been summoned are not willing or are not able to be present, let that be considered valid and firm which the greater part of those who are present arrange or command, just as if the whole twenty-five had agreed in this; and let the aforesaid twenty-five swear that they will observe faithfully all the things which are said above, and with all their ability cause them to be observed. And we will obtain nothing from anyone, either by ourselves or by another by which any of these concessions and liberties shall be revoked or diminished; and if any such thing shall have been obtained, let it be invalid and void, and we will never use it by ourselves or by another.

62. And all ill-will, grudges, and anger sprung up between us and our men, clergy and laymen, from the time of the dispute, we have fully renounced and pardoned to all. Moreover, all transgressions com-

mitted on account of this dispute, from Easter in the sixteenth year of our reign till the restoration of peace, we have fully remitted to all, clergy and laymen, and as far as pertains to us, fully pardoned. And moreover we have caused to be made for them testimonial letters-patent of lord Stephen, archbishop of Canterbury, lord Henry, archbishop of Dublin, and of the aforesaid bishops and of master Pandulf, in respect to that security and the concessions named above.

63. Wherefore we will and firmly command that the Church of England shall be free, and that the men in our kingdom shall have and hold all the aforesaid liberties, rights and concessions, well and peacefully, freely and quietly, fully and completely, for themselves and their heirs, from us and our heirs, in all things and places, forever, as before said. It has been sworn, moreover, as well on our part as on the part of the barons, that all these things spoken of above shall be observed in good faith and without any evil intent. Witness the above named and many others. Given by our hand in the meadow which is called Runnymede, between Windsor and Staines, on the fifteenth day of June, in the seventeenth year of our reign.

8. CORONATION OATH OF HENRY III., A.D. 1216.

Matthew Paris, Greater Chronicles. III. 1, 2. Rolls Series. Latin.

Standing there before the high altar, the holy gospels and the relics of many saints having been placed near, Jocelyn [bishop] of Bath dictating the oath, he swore before the clergy and people that he would observe honor, peace, and reverence toward God and holy church and its ministers, all the days of his life; that concerning the people committed to him, he would preserve right justice; and that he would abolish evil laws and unjust customs, if there were such in the realm, and abide by the good ones, and make them to be observed by all good men.

9. CONFIRMATION OF THE CHARTERS, BY EDWARD I., 1297.

Statutes of the Realm, I, 123, 124. French.

1. Edward, by the grace of God king of England, lord of Ireland, and duke of Aquitaine to all those that shall hear or see these present letters, greeting: Know ye, that we to the honor of God and of holy church, and to the profit of our realm, have granted for us and our heirs that the Charter of Liberties and the Charter of the Forest, which

were made by common assent of all the realm, in the time of King Henry our father, shall be kept in every point without breach. And we will that the same charters shall be sent under our seal as well to our justices of the forest as to others, and to all sheriffs of shires, and to all other officers and to all our cities throughout the realm, together with our writs, in which it shall be contained that they cause the aforesaid charters to be published, and declare to the people that we have confirmed them in all points, and that our justices, sheriffs, mayors, and other officials which under us have the laws of our land to guide, shall allow the said charters pleaded before them in judgment in all their points; that is to wit, the Great Charter as the common law and the Charter of the Forest according to the assize of the forest, for the weal of our realm.

2. And we will that if any judgment be given from henceforth, by the justices or by any other of our officials that hold pleas before them, against the points of the charters aforesaid, it shall be undone and holden for naught.

3. And we will that the same charters shall be sent under our seal to cathedral churches throughout our realm, there to remain, and shall be read before the people twice yearly.

4. And that all archbishops and bishops shall pronounce the sentence of greater excommunication against all those that by word, deed, or counsel, do contrary to the aforesaid charters, or that in any point break or undo them. And that the said curses be twice a year denounced and published by the prelates aforesaid. And if the same prelates or any of them be remiss in the denunciation of the said sentences, the archbishops of Canterbury and York for the time being, as is fitting, shall compel and distrain them to make that denunciation in form aforesaid.

5. And for as much as divers people of our realm are in fear that the aids and tasks which they have given to us beforetime towards our wars and other business, of their own grant and good-will, howsoever they were made, might turn to a bondage to them and their heirs, because they might be at another time found in the rolls, and so likewise the prises taken throughout the realm by our ministers; we have granted for us and our heirs, that we shall not draw such aids, tasks, nor prises, into a custom, for anything that hath been done heretofore or that may be found by roll or in any other manner.

6. Moreover we have granted for us and our heirs, as well to

archbishops, bishops, abbots, priors, and other folk of holy church, as also to earls, barons, and to all the commonalty of the land, that for no business from henceforth will we take such manner of aids, tasks, nor prises, but by the common consent of the realm, and for the common profit thereof, saving the ancient aids and prises due and accustomed.

7. And for as much as the more part of the commonalty of the realm find themselves sore grieved with the maletote of wools, that is to wit, a toll of forty shillings for every sack of wool, and have made petition to us to release the same; we, at their requests, have clearly released it, and have granted for us and our heirs that we shall not take such thing or any other without their common assent and good-will, saving to us and our heirs the custom of wools, skins, and leather granted before by the commonalty aforesaid. In witness of which things we have caused these our letters to be made patent. Witness Edward, our son, at London, the tenth day of October, the five and twentieth year of our reign.

And be it remembered that this same charter in the same terms, word for word, was sealed in Flanders under the king's great seal, that is to say at Ghent, the fifth day of November in the twenty-fifth year of the reign of our aforesaid lord the king, and sent into England.

10. CORONATION OATH OF EDWARD II., A.D. 1307.

Statutes of the Realm, I. 168. French.

[*Archbishop.*] Sire, will you grant and observe, and by your oath confirm to the people of England the laws and customs granted to them by the ancient kings of England, your predecessors, just and devoted to God; and especially the laws and customs and franchises granted to the clergy and to the people by the glorious king, saint Edward, your predecessor? [*King.*] I grant them and promise them. [*Archbishop.*] Sire, will you keep toward God and holy church, and clergy and people entire peace and concord in God, according to your power? [*King.*] I will keep them. [*Archbishop.*] Sire, will you cause to be made in all your judgments equal and right justice and judgment, in mercy and truth, according to your power? [*King.*] I will do it. [*Archbishop.*] Sire, do you grant that the just laws and customs will be observed which the commonalty of your realm have chosen, and do you promise to protect and enforce them to the honor of God, according to your power? [*King.*] I grant and promise it.

II. JUDICIAL DOCUMENTS.

In England, during the Saxon period, the hundred and the shire moots evidently exercised a quite varied jurisdiction, an activity which lasted at least to the thirteenth century. Feudal or private jurisdiction grew up as an intrusion upon these older courts and with the Norman conquest an ecclesiastical jurisdiction was formally separated from them. But it was the judicial powers of the king and of his judges that were destined to predominate over, and eventually to supersede all these other courts. Moreover the centralized government of the Norman and Angevin kings was made effective largely through the agency of royal officials whose principal duties were of a judicial nature. The following documents are intended to illustrate the continuance of the earliest and the growth and development of the latest of these forms of judicial organization.

I. PROVISIONS FOR THE HUNDRED AND SHIRE COURTS.

Thorpe: Ancient Laws and Institutes of England, I. pp. 258, and 268. Anglo-Saxon; and Stubbs' Select Charters, p. 81. Latin.

Edgar. This is the ordinance how the hundred shall be held.

1. That they meet always within four weeks: and that every man do justice to another.

2. That a thief shall be pursued . . . . . If there be immediate need let it be made known to the hundred-man, and let him inform the tithing-men; and let all go forth to where God may direct them to go: let them do justice on the thief, as it was formerly the enactment of Edmund. And let the money value be paid to him who owns the cattle, and the rest be divided into two; half to the hundred, half to the lord, excepting men; and let the lord take possession of the men.

. . . . . .

5. We have also ordained; if the hundred pursue a track into another hundred, that notice be given to the hundred-man, and that he go with them. If he neglect this, let him pay thirty shillings to the king.

. . . . . .

7. In the hundred, as in any other court, we ordain that folk-right be pronounced in every suit, and that a term be fixed when it shall be fulfilled. And he who shall break that term, unless it be by his lord's decree, let him make compensation with thirty shillings, and on the day fixed fulfil that which he ought to have done before

. . . . . .

9. Let the iron that is for the three-fold ordeal weigh three pounds; and for the single, one pound.

. . . . . .

Edgar, II, 5. And let the hundred court be attended as it was before fixed; and three times in the year let a borough court be held; and twice, a shire court, and let there be present the bishop of the shire and the ealdorman, and there let both expound as well the law of God as the secular law.

. . . . . .

William I. 8. Let the hundred and the county be summoned as our ancestors ordered.

2. A SHIRE-MOOT IN HEREFORDSHIRE, ABOUT A.D. 1036.

Thorpe, Diplomatarium Anglicum, p. 336. Anglo-Saxon.

Here is made known in this writing, that a shire-moot sat at Aegelnoth's stone, in the day of King Cnut. There sat Aethelstan, bishop, and Ranig, ealdorman, and Edwin, the ealdorman's son, and Leofwine, Wulfsige's son, and Thurkil White; and Tofig Prud came there on the king's errand; and Bryning, shire-reeve, and Aegelweard of Frome and Leofwine of Frome and Godric of Stoke, and all the thanes in Herefordshire were there. Then came traveling there to the moot Edwin, Eanwen's son, and there raised a claim against his own mother to a portion of land, namely at Wellington and Coadley. Then asked the bishop, who would answer for his mother. Then answered Thurkil White and said that he would if he knew the claim. Since he did not know the claim, they deputed three thanes from the moot to where she was, which was at Fawley. These were Leofwine of Frome, and Aegelsig the Red, and Winsige Scaegthman And when they came to her they asked what claim she had to the lands for which her son was suing. Then said she that she had no land that in any way belonged to him, and was bitterly angry with her son. Then she called to her Leoflaed, her kinswoman, Thurkil's wife, and spoke to her as follows, before them all: "Here sits Leoflaed, my kinswoman, to whom I give not only my land, but my gold, and garments, and robes, and all that I own, after my day." And she then said to the thanes: "Do thane-like and well; announce my errand to the moot before all the good men, and tell them to whom I have given my land and all my property; and to my own son never anything, and bid them be witnesses of this." And they then did so, rode to the moot, and declared to all the good men what she had laid upon them. Then Thurkil White stood up in the moot and prayed all the thanes to grant to his wife clean the lands

which her kinswoman had given her, and they did so. And Thurkil then rode to St. Aethelbert's monastery, with the leave and witness of all the folk, and caused it to be set in a Christ's book.

3. WRIT OF WILLIAM II., FOR AN INQUISITION.

Palgrave's English Commonwealth, II, clxxix. Latin.

The king to William de Cahaunis greeting: I require you to cause the shire of Hampton to meet, and on its judgment to decide whether the land of Isham paid a rent to the monks of St. Benedict, in the time of my father, and if this is found to have been so, let it be in the control of the abbot; thus if it is found to be demesne land, whoever holds it let him hold it from the abbot, and acknowledge him. And if he is not willing, let the abbot have it in his control, and see that no further complaint comes to me about it. Witness William, bishop of Durham.

4. WRIT OF WILLIAM, SON OF HENRY I., FOR A RECOGNITION.

Palgrave's English Commonwealth, II, clxxix. Latin.

William, son of the king, to William, sheriff of Kent, greeting: I command you to require Hamo, son of Vitalis, and the honest men of the neighborhood of Sandwich, whom Hamo will nominate, to give a verdict [*ut dicant veritatem*] concerning the ship of the abbot of St. Augustine. And if that ship came by sea on the day when the king recently crossed the sea then I command that it should now go free, until the king comes into England, and in the meantime that it should be given back to the aforesaid abbot. Witness the bishop of Salisbury and the chancellor, at Woodstock.

5. THE ASSIZE OF CLARENDON, 1166.

Stubbs' Select Charters, 137-139. Latin.

Here begins the Assize of Clarendon, made by King Henry II. with the assent of the archbishops, bishops, abbots, earls and barons of all England.

§ 1. In the first place, the aforesaid King Henry, with the consent of all his barons, for the preservation of the peace and the keeping of justice, has enacted that inquiry should be made through the several counties and through the several hundreds, by twelve of the most legal men of the hundred and by four of the most legal men of each manor,

upon their oath that they will tell the truth, whether there is in their hundred or in their manor, any man who has been accused or publicly suspected of himself being a robber, or murderer, or thief, or of being a receiver of robbers, or murderers, or thieves, since the lord king has been king. And let the justices make this inquiry before themselves, and the sheriffs before themselves.

§ 2. And let anyone who has been found by the oath of the aforesaid, to have been accused or publicly suspected of having been a robber, or murderer, or thief, or a receiver of them, since the lord king has been king, be arrested and go to the ordeal of water and let him swear that he has not been a robber, or murderer, or thief, or receiver of them since the lord king has been king, to the value of five shillings, so far as he knows.

§ 3. And if the lord of the man who has been arrested or his steward or his men shall have claimed him, with a pledge, within the third day after he has been seized, let him be given up and his chattels until he himself makes his law.

§ 4. And when a robber, or murderer, or thief, or receiver of them shall have been seized through the above-mentioned oath, if the justices are not to come very soon into that county where they have been arrested, let the sheriffs send word to the nearest justice by some intelligent man that they have arrested such men, and the justices will send back word to the sheriffs where they wish that these should be brought before them; and the sheriffs shall bring them before the justices; and along with these they shall bring from the hundred and the manor where they have been arrested, two legal men to carry the record of the county and of the hundred as to why they were seized, and there before the justice let them make their law.

§ 5. And in the case of those who have been arrested through the aforesaid oath of this assize, no one shall have court, or judgment, or chattels, except the lord king in his court before his justices, and the lord king shall have all their chattels. In the case of those, however, who have been arrested, otherwise than through this oath, let it be as it has been accustomed and ought to be.

§ 6. And the sheriffs who have arrested them shall bring such before the justice without any other summons than they have from him. And when robbers, or murderers, or thieves, or receivers of them, who have been arrested through the oath or otherwise, are handed over to the sheriffs they also must receive them immediately without delay.

§ 7. And in the several counties where there are no jails, let such be made in a borough or in some castle of the king, from the money of the king and from his forest, if one shall be near, or from some other neighboring forest, on the view of the servants of the king; in order that in them the sheriffs may be able to detain those who have been seized by the officials who are accustomed to do this or by their servants.

§ 8. And the lord king moreover wills that all should come to the county courts to make this oath, so that no one shall remain behind because of any franchise which he has or court or jurisdiction which he had, but that they should come to the making of this oath.

§ 9. And there is to be no one within a castle or without a castle or even in the honor of Wallingford, who may forbid the sheriffs to enter into his court or his land for seeing to the frankpledges and that all are under pledges; and let them be sent before the sheriffs under a free pledge.

§ 10. And in cities and boroughs, let no one have men or receive them in his house or in his land or his soc, whom he does not take in hand that he will produce before the justice if they shall be required, or else let them be under a frankpledge.

§ 11. And let there be none in a city or borough or in a castle or without, or even in the honor of Wallingford, who shall forbid the sheriffs to enter into his land or his jurisdiction to arrest those who have been charged or publicly suspected of being robbers or murderers or thieves or receivers of them, or outlaws, or persons charged concerning the forest; but he requires that they should aid them to capture these.

§ 12. And if any one is captured who has in his possession the fruits of robbery or theft, if he is of bad reputation and has an evil testimony from the public, and has not a warrant, let him not have law. And if he shall not have been accused on account of the possession which he has, let him go to the water.

§ 13. And if any one shall have acknowledged robbery or murder or theft or the reception of them in the presence of legal men or of the hundreds, and afterwards shall wish to deny it, he shall not have law.

§ 14. The lord king wills moreover that those who make their law and shall be absolved by the law, if they are of very bad testimony, and publicly and disgracefully spoken ill of by the testimony of many and legal men, shall abjure the lands of the king, so that within eight days they shall go over the sea, unless the wind shall have detained them;

and with the first wind which they shall have afterward they shall go over the sea, and they shall not afterward return into England, except on the permission of the lord king; and then let them be outlawed if they return, and if they return they shall be seized as outlaws.

§ 15. And the lord king forbids any vagabond, that is a wandering or an unknown man, to be sheltered anywhere except in a borough, and even there he shall be sheltered only one night, unless he shall be sick there, or his horse, so that he is able to show an evident excuse.

§ 16. And if he shall have been there more than one night, let him be arrested and held until his lord shall come to give securities for him, or until he himself shall have secured pledges; and let him likewise be arrested who has sheltered him.

§ 17. And if any sheriff shall have sent word to any other sheriff that men have fled from his county into another county, on account of robbery or murder or theft, or the reception of them, or for outlawry or for a charge concerning the forest of the king, let him arrest them. And even if he knows of himself or through others that such men have fled into his county, let him arrest them and hold them until he shall have secured pledges from them.

§ 18. And let all sheriffs cause a list to be made of all fugitives who have fled from their counties; and let them do this in the presence of their county courts, and they will carry the written names of these before the justices when they come first before these, so that they may be sought through all England, and their chattels may be seized for the use of the king.

§ 19. And the lord king wills that, from the time when the sheriffs have received the summons of the justices in eyre to appear before them with their county courts, they shall gather together their county courts and make inquiry for all who have recently come into their counties since this assize; and that they should send them away with pledges that they will be before the justices, or else keep them in custody until the justices come to them, and then they shall have them before the justices.

§ 20. The lord king moreover prohibits monks and canons and all religious houses from receiving any one of the lesser people as a monk or canon or brother, until it is known of what reputation he is, unless he shall be sick unto death.

§ 21. The lord king moreover forbids any one in all England to receive in his land or his jurisdiction or in a house under him any one

of the sect of those renegades who have been excommunicated and branded at Oxford. And if anyone shall have received them, he will be at the mercy of the lord king, and the house in which they have been shall be carried outside the village and burned. And each sheriff will take this oath that he will hold this, and will make all his servants swear this, and the stewards of the barons, and all knights and free tenants of the counties.

§ 22. And the lord king wills that this assize shall be held in his kingdom so long as it shall please him.

6. THE CONSTITUTIONS OF CLARENDON, A. D. 1164.

Stubbs' Select Charters, 131–134. Latin.

In the year of the incarnation of the Lord, 1164, of the papacy of Alexander, the fourth year, of the most illustrious king of the English, Henry II., the tenth year, in the presence of the same king, has been made this memorial or acknowledgment of a certain part of the customs and franchises and dignities of his predecessors, that is to say of King Henry, his grandfather, and of other kings, which ought to be observed and held in the kingdom. And on account of the discussions and disputes which have arisen between the clergy and the justices of our lord the king and the barons of the kingdom concerning the customs and dignities, this acknowledgment is made in the presence of the archbishops and bishops and clergy and earls and barons and principal men of the kingdom. And these customs, acknowledged by the archbishops and bishops and earls and barons, and by the most noble and ancient of the kingdom, Thomas, archbishop of Canterbury, and Roger, archbishop of York, and Gilbert, bishop of London, and Henry, bishop of Winchester, and Nigel, bishop of Ely, and William, bishop of Norwich, and Robert, bishop of Lincoln, and Hilary, bishop of Chichester, and Jocelyn, bishop of Salisbury, and Richard, bishop of Chester, and Bartholomew, bishop of Exeter, and Robert, bishop of Hereford, and David, bishop of Man, and Roger, bishop-elect of Worcester have conceded, and in the word of truth by their living voice have firmly promised to the lord king and to his heirs should be held and observed, in good faith and without any evil intention; the following being present: Robert, earl of Leicester, Reginald, earl of Cornwall, Conan, count of Brittany, John, count of Eu, Roger, earl of Clare, earl Geoffrey de Mandeville, Hugh, earl of Chester, William, earl of Arundel, Earl Patrick, William, earl Ferrers, Richard de Lacy, Reginald de St. Valery, Roger Bigod, Reg-

inald de Warenne, Richer de Aquila, William de Braose, Richard de Camville, Nigel de Mowbray, Simon de Warfield, Humphrey de Bohun, Matthew de Hereford, Walter de Medway, Manasses Bisett, steward, William Malet, William de Courcy, Robert de Dunstanville, Jocelyn de Balliol, William de Lanvale, William de Cheyney, Geoffrey de Vere, William de Hastings, Hugh de Moreville, Alan de Neville, Simon Fitz-Peter, William Malduit, chamberlain, John Malduit, John Marshall, Peter de Mare, and many others of the principal men and nobles of the kingdom, as well clergy as laity.

Of these acknowledged customs and dignities of the realm, a certain part is contained in the present writing. Of this part the heads are as follows:

§ 1. If any controversy has arisen concerning the advowson and presentation of churches between laymen, or between laymen and ecclesiastics, or between ecclesiastics, it is to be considered or settled in the court of the lord king.

§ 2. Churches of the fee of the lord king cannot be given perpetually without his assent and grant.

§ 3. Clergymen charged and accused of anything, when they have been summoned by a justice of the king shall come into his court, to respond there to that which it shall seem good to the court of the king for them to respond to, and in the ecclesiastical court to what it shall seem good should be responded to there; so that the justice of the king shall send into the court of holy church to see how the matter shall be treated there. And if a clergyman shall have been convicted or has confessed, the church ought not to protect him otherwise.

§ 4. It is not lawful for archbishops, bishops, and persons of the realm to go out of the realm without the permission of the lord king. And if they go out, if it please the lord king, they shall give security that neither in going nor in making a stay nor in returning will they seek evil or loss to the king or the kingdom.

§ 5. Excommunicated persons ought not to give permanent security nor offer an oath, but only security and a pledge to stand to the judgment of the church, in order that they may be absolved.

§ 6. Laymen ought not to be accused except by definite and legal accusers and witnesses, in the presence of the bishop, so that the archdeacon shall not lose his right, nor anything which he ought to have from it. And if there are such persons as are blamed, but no one wishes or no one dares to accuse them, let the sheriff when required by

the bishop cause twelve legal men of the neighborhood or of the township to take an oath in the presence of the bishop that they will show the truth about it according to their conscience.

§ 7. No one who holds from the king in chief, nor any one of the officers of his demesnes shall be excommunicated, nor the lands of any one of them placed under an interdict, unless the lord king, if he is in the land, first agrees, or his justice, if he is out of the realm, in order that he may do right concerning him; and so that what shall pertain to the king's court shall be settled there, and for that which has respect to the ecclesiastical court, that it may be sent to the same to be considered there.

§ 8. Concerning appeals, if they should occur, they ought to proceed from the archdeacon to the bishop, from the bishop to the archbishop. And if the archbishop should fail to show justice, it must come to the lord king last, in order that by his command the controversy should be finally terminated in the court of the archbishop, so that it ought not to proceed further without the assent of the lord king.

§ 9. If a contest has arisen between a clergyman and a layman or between a layman and a clergyman, concerning any tenement which the clergymen wishes to bring into charitable tenure, but the layman into a lay fief, it shall be settled by the deliberation of a principal justice of the king, on the recognition of twelve legal men, whether the tenement pertains to charity or to a lay fief, in the presence of that justice of the king. And if the recognition shall decide that it belongs to charity, the suit will be in the ecclesiastical court, but if to a lay fief, unless both are answerable to the same bishop or baron, the suit will be in the king's court. But if both shall be answerable concerning that fief before the same bishop or baron, the suit will be in his court, provided that the one who was formerly in possession shall not lose his possession on account of the recognition which has been made until it has been decided upon through the suit.

§ 10. If any one who is of a city or a castle or a borough or a demesne manor of the lord king has been summoned by the archdeacon or the bishop for any offence for which he ought to respond to them, and is unwilling to make answer to their summons, it is fully lawful to place him under an interdict, but he ought not to be excommunicated before the principal officer of the lord king for that place agrees, in order that he may adjudge him to come to the answer. And if the officer of the king is negligent in this, he himself will be at the mercy of

the lord king, and afterward the bishop shall be able to coerce the accused man by ecclesiastical justice.

§ 11. Archbishops, bishops, and all persons of the realm, who hold from the king in chief, have their possessions from the lord king as a barony, and are responsible for them to the justices and officers of the king, and follow and perform all royal rules and customs; and just as the rest of the barons ought to be present at the judgment of the court of the lord king along with the barons, at least till the judgment reaches to loss of limbs or to death.

§ 12. When an archbishopric or bishopric or abbacy or priorate of the demesne of the king has become vacant, it ought to be in his hands and he shall take thence all its rights and products just as demesnes. And when it has come to providing for the church, the lord king ought to summon the more powerful persons of the church, and the election ought to be made in the chapel of the lord king himself, with the assent of the lord king and with the agreement of the persons of the realm whom he has called to do this. And there the person elected shall do homage and fealty to the lord king as to his liege lord, concerning his life and his limbs and his earthly honor, saving his order, before he shall be consecrated.

§ 13. If any one of the great men of the kingdom has prevented archbishop, bishop or archdeacon from exercising justice upon himself or his, the lord king ought to bring him to justice. And if by chance anyone has deprived the lord king of his right, the archbishops and bishops and archdeacons ought to bring him to justice in order that he may give satisfaction to the lord king.

§ 14. The chattels of those who are in forfeiture to the king no church or church-yard must detain against the justice of the king, because they are the king's whether they have been found within the churches or without.

§ 15. Suits concerning debts which are owed through the medium of a bond or without the medium of a bond should be in the jurisdiction of the king.

§ 16. Sons of rustics ought not to be ordained without the assent of the lord upon whose land they are known to have been born.

The acknowledgment of the aforesaid royal customs and dignities has been made by the aforesaid archbishops, and bishops, and earls, and barons, and the more noble and ancient of the realm, at Clarendon, on the fourth day before the Purification of the Blessed Mary, perpetual

Virgin, Lord Henry being there present with his father, the lord king. There are, however, many other and great customs and dignities of holy mother church and of the lord king, and of the barons of the realm, which are not contained in this writing. These are preserved to holy church and to the lord king and to his heirs and to the barons of the realm, and shall be observed inviolably forever.

7. TYPICAL CRIMINAL CASES IN THE KING'S COURTS, 1201–1214.

Selden Society Publications: Maitland; Select Pleas of the Crown, pp. 1, 14, 18, 27, 29, 75. Latin.

Denise. who was wife of Anthony, summons Nicholas Kam for the death of Anthony, her husband, as having wickedly killed her husband; and this she offers to prove against him under award of the court. And Nicholas denies it all. It is adjudged that Denise has no right of summons, because she does not claim in her accusation that she saw it. The jurors being asked say that they suspect him of it, and the whole county likewise suspects him. Let Nicholas purge himself by water, according to the assize. He has found sureties.

Hugh of Ruperes summons John of Ashby because he in the king's peace and wickedly came into his meadows and pastured his cattle on them, and this he offers, etc. And John comes and denies it all. And since it has been testified by the sheriff and by the guardians of the pleas of the crown, that he had previously summoned John for the pasturing of his meadows and for the beating of his men, and now is not willing to pursue his accusation concerning the men, but only concerning the meadows, and moreover an accusation of the pasturing of meadows does not pertain to the king's crown, it is judged that the accusation is of no effect, and therefore let Hugh be in mercy and John be declared quit. Hugh is in custody because he cannot find securities.

Hereward, the son of William, accuses Walter, the son of Hugh, of assaulting him, in the king's peace, and wounding him in the arm with a certain iron fork, and giving him another wound on the head; and this he offers to prove on his body, as the court shall approve. And Walter denies it all, on his body. And it is testified by the coroners and by the whole county that the same Hereward showed his wounds at the proper time, and has made sufficient suit. And it is therefore adjudged that a battle should be made. The securities of Walter are Peter of Gosberton church and Richard, the son of Hereward; the securities of Hereward are William, his father, and the

Prior of Pinchbeck. Let them come armed, a fortnight from St. Swithin's day, at Leicester.

Lambert, the miller, complains that Clarice, wife of Lawrence, the son of Walter, sold him beer by a false gallon, and produces testimony which report that they were present when she thus sold by that gallon, that is to say, three gallons for a penny. Clarice comes and denies that she sold by a false gallon, or that she sold by that gallon which he said was hers as being a whole gallon, but as being a half-gallon. Let her defend herself with twelve hands on the coming of the justices. She has given securities. Security for her law, William, son of Ascelin; securities of Lambert to prosecute, William Sanguinel, Richard, son of Geoffrey, Dennis, son of Lambert, and Walter the miller.

A certain Lemis is suspected by the jurors of being present when Reinild of Hemchurch was slain, and of having given aid and consent to her death. And she denies it. Therefore let her purge herself by the ordeal of iron; but as she is ill, let it be postponed until she recovers.

Walter Trenchebof was asserted to have handed to Inger of Faldingthorpe the knife with which he killed Guy Foliot, and is suspected of it. Let him purge himself by water that he did not consent to it. He has failed and is hanged.

Simon, the son of Robert, who was captured in company with thieves and was held in prison because he was under age must likewise purge himself by water. He has purged himself and abjured the realm.

8. TYPICAL RECOGNITIONS ON THE ASSIZES, IN THE KING'S COURTS, 1200–1203.

Selden Society Publications, Bailden; Select Civil Pleas, pp. 25, 51, 63, 61. Latin.

John of Kilpeck demands against the abbot of Hagman the customs and right services, that is, the fifth part of one knight, which he owes him for the free tenement which he holds from him in Beobridge. And the abbot comes and says that he does not owe that service, nor does it appertain to that tenement; and in this matter he puts himself upon the great assize of our lord the king, and asks that a recognition may be made thereof. Let it be made. Let John have a writ to summon four knights to elect twelve to make a recognition thereof on the coming of the justices.

The assize of *novel disseisin* between William Torell, plaintiff,

and the abbot of Stratford concerning a certain dike thrown down in Little Thurrock to the damage of the free tenement of William Torell in the same town is postponed till the week after St. Hilary's day, because of the recognitors; of whom some excused themselves, and some came, etc., and Hugh of Boyton and five others made default. And the abbot comes and says that a certain law was made in the time of King Henry the father, concerning the marshes, and he prays that it may be observed. Therefore the sheriff is commanded to provide such recognitors as know the law of the marsh, and who know the truth, to say whether the throwing down of that dike is to William's damage, or not.

The assize of *mort d'ancestor* between Alice, daughter of Duke, by William, her attorney, and Alan, brother of Alan, and John, son of Alan, regarding half a messuage with appurtenances in the town of St. Botolph is postponed till the fortnight after Trinity, because some of the recognitors excused themselves, and some came; and the same day is given to them. Master Roger Gernun, Robert, son of Mussa, William Res, and Hamo, son of Hereward, are attached; and let the sheriff appoint six lawful men of the town of St. Botolph who are discreet and who know the truth of the matter and none of whom is related to the aforesaid parties, to be there at the same time.

The assize of *darrein presentement* to the church of Weston, between William de Colville, petitioner, and the prior of Lewes, concerning the church of Weston, [is postponed] *sine die*, because William de Colville did not keep the appointed day, and the writ did not mention his wife, who had the inheritance. Wherefore William is in mercy, and also his pledges Roger of the Wood and John Langvillun.

Sarah Delaware complains that Geoffrey de Tichesie exacted from her more service than it had been recognized in the king's court was due to him. And Geoffrey comes and declares that there was never any plea between them in the king's court touching the services; and it was testified by the record of the justices that the plea was in the county court. Let it be again in the county court.

III. WRITS OF SUMMONS TO PARLIAMENT.

From the earliest period of the Norman rule, the greater tenants-in-chief were summoned, from time to time, by formal writs, to perform their due military service to the king or to give him their counsel in matters of government. The performance of this latter function gave rise to the more or less regular meeting of Parliament, to which the barons and prelates were still summoned by special writs. When a larger representation of the nation was desired by the king, during the thirteenth century, writs were sent to the sheriffs ordering them to send up to the Parliament representatives of the county and town communities. The following writs represent respectively a summons to the great nobles before the admission of the commons, and to each of the three estates for the "model parliament" of 1295.

1. A WRIT OF SUMMONS OF THE LORDS, SPIRITUAL AND TEMPORAL, TO A PARLIAMENT, 26 HENRY III. (1242.)

Lords' Report on the Dignity of a Peer, ii, 7. Latin.

The King to the venerable father in Christ W. archbishop of York, greeting. We command and require you, as you love us and our honor, and your own equally, and in the faith by which you are held to us, that laying aside all other business, you be with us at London, fifteen days after St. Hilary's day, to discuss with us, along with the rest of our magnates whom we have similarly caused to be convoked, our arduous affairs and those things which more specially touch our state and that of our whole kingdom; and that you in no way fail to perform this. Witness the king at Windsor, Dec. 14th.

In the same way it is written to all the bishops, abbots, earls, and barons.

2. SUMMONS OF A BISHOP TO PARLIAMENT, 1295.

Lords' Report on the Dignity of a Peer, ii, 67. Latin.

The King to the venerable father in Christ Robert, by the same grace archbishop of Canterbury, primate of all England, greeting. As a most just law, established by the careful providence of sacred princes, exhorts and decrees that what affects all, by all should be approved, so also, very evidently should common danger be met by means provided in common. You know sufficiently well, and it is now, as we believe, divulged through all regions of the world, how the king of France fraudulently and craftily deprives us of our land of Gascony, by withholding it unjustly from us. Now, however, not satisfied with the before-mentioned fraud and injustice, having gathered together for the conquest of

our kingdom a very great fleet, and an abounding multitude of warriors, with which he has made a hostile attack on our kingdom and the inhabitants of the same kingdom, he now proposes to destroy the English language altogether from the earth, if his power should correspond to the detestable proposition of the contemplated injustice, which God forbid. Because, therefore, darts seen beforehand do less injury, and your interest especially, as that of the rest of the citizens of the same realm, is concerned in this affair, we command you, strictly enjoining you in the fidelity and love in which you are bound to us, that on the Lord's day next after the feast of St. Martin, in the approaching winter, you be present in person at Westminster; citing beforehand the dean and chapter of your church, the archdeacons and all the clergy of your diocese, causing the same dean and archdeacons in their own persons, and the said chapter by one suitable proctor, and the said clergy by two, to be present along with you, having full and sufficient power from the same chapter and clergy, to consider, ordain and provide, along with us and with the rest of the prelates and principal men and other inhabitants of our kingdom, how the dangers and threatened evils of this kind are to be met. Witness the king at Wangham, the thirtieth day of September.

Identical summons were sent out to the two archbishops and eighteen bishops, and, with the omission of the last paragraph, to seventy abbots.

3. SUMMONS OF A BARON TO PARLIAMENT, 1295.

Lords' Report on the Dignity of a Peer, ii, 68.

The king to his beloved and faithful relative, Edmund, Earl of Cornwall, greeting. Because we wish to have a consultation and meeting with you and with the rest of the principal men of our kingdom, as to provision for remedies against the dangers which in these days are threatening our whole kingdom; we command you, strictly enjoining you in the fidelity and love in which you are bound to us, that on the Lord's day next after the feast of St. Martin, in the approaching winter, you be present in person at Westminster, for considering, ordaining and doing along with us and with the prelates, and the rest of the principal men and other inhabitants of our kingdom, as may be necessary for meeting dangers of this kind.

Witness the king at Canterbury, the first of October.

Similar summons were sent to seven earls and forty-one barons.

4. SUMMONS OF REPRESENTATIVES OF SHIRES AND TOWNS TO PARLIAMENT, 1295.

Lords' Report on the Dignity of a Peer, ii, 66.

The king to the sheriff of Northamptonshire. Since we intend to have a consultation and meeting with the earls, barons and other principal men of our kingdom with regard to providing remedies against the dangers which are in these days threatening the same kingdom; and on that account have commanded them to be with us on the Lord's day next after the feast of St. Martin in the approaching winter, at Westminster, to consider, ordain, and do as may be necessary for the avoidance of these dangers; we strictly require you to to cause two knights from the aforesaid county, two citizens from each city in the same county, and two burgesses from each borough, of those who are especially discreet and capable of laboring, to be elected without delay, and to cause them to come to us at the aforesaid time and place.

Moreover, the said knights are to have full and sufficient power for themselves and for the community of the aforesaid county, and the said citizens and burgesses for themselves and the communities of the aforesaid cities and boroughs separately, then and there for doing what shall then be ordained according to the common counsel in the premises; so that the aforesaid business shall not remain unfinished in any way for defect of this power. And you shall have there the names of the knights, citizens and burgesses and this writ.

Witness the king at Canterbury on the third day of October.

Identical summons were sent to the sheriffs of each county.

SELECT BIBLIOGRAPHY.

Stubbs, William: Constitutional History of England. 3 vols. Clarendon Press. Fifth Edition just completed.

This book covers the whole period of English Constitutional History to the close of the Middle Ages. It remains above all comparison the most learned, most detailed, and most moderate work on the subject. But these very qualities make it rather a work for reference than for continuous study or reading.

Taswell-Langmead, Thomas Pitt: English Constitutional History. 1 vol., 875 pp. Boston; Houghton, Mifflin & Co. Fourth Edition, 1890.

This is the best single volume work covering the whole period of English Constitutional History. That portion which precedes the Norman Conquest is however distinctly inferior to the remaining part of the work, being inadequate in amount and largely incorrect in substance. It is unfortunately quite expensive, the price being $5.50

Medley, D. J.: A Student's Manual of English Constitutional History. 1 vol., 583 pp. Oxford and London, 1894.

This is a most excellent work, including the most recent investigations and conclusions in the field of English Constitutonal History in its widest extension. Its arrangement, however, being by subjects, not chronologically, makes it rather a study of the elements of the constitution from an historical standpoint, than a history of constitutional development in any proper sense, and makes it unsuited for use as a text-book on the subject.

Pollock and Maitland: History of English Law before the Time of Edward I. 2 vols. Cambridge, England, 1895.

Although this work professes to exclude all matters of a purely constitutional nature, it necessarily includes much of the organization of jurisdiction, of the distinction of political classes in the community, and of other matters on the borderland between the government and law, and with Prof. Maitland's *Domesday and Beyond* is of the utmost interest and value on all those subjects of which it does treat.

Stubbs, William: Select Charters and other Illustrations of English Constitutional History.

This is an extremely full collection of documents of constitutional significance, (untranslated), from the earliest times to the close of the reign of Edward I.

Prothero, G. W.: Select Statutes and other Constitutional Documents Illustrative of the Reigns of Elizabeth and James I. 1 vol. Oxford, 1894.

There is no collection of constitutional documents of the period between the accession of Edward II. and that of Elizabeth, excepting as they are to be found in Rymer's *Foedera*, the *Statutes of the Realm*, and such general bodies of records. But from 1558 to 1660 an almost continuous series of such documents is published in this work and that which follows, viz:

Gardiner, S. R.: The Constitutional Documents of the Puritan Revolution, 1628–1660. 1 vol. Oxford, 1889.

BOUND BY
HNM